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THE WAGES OF OBAMA'S WEAKNESS
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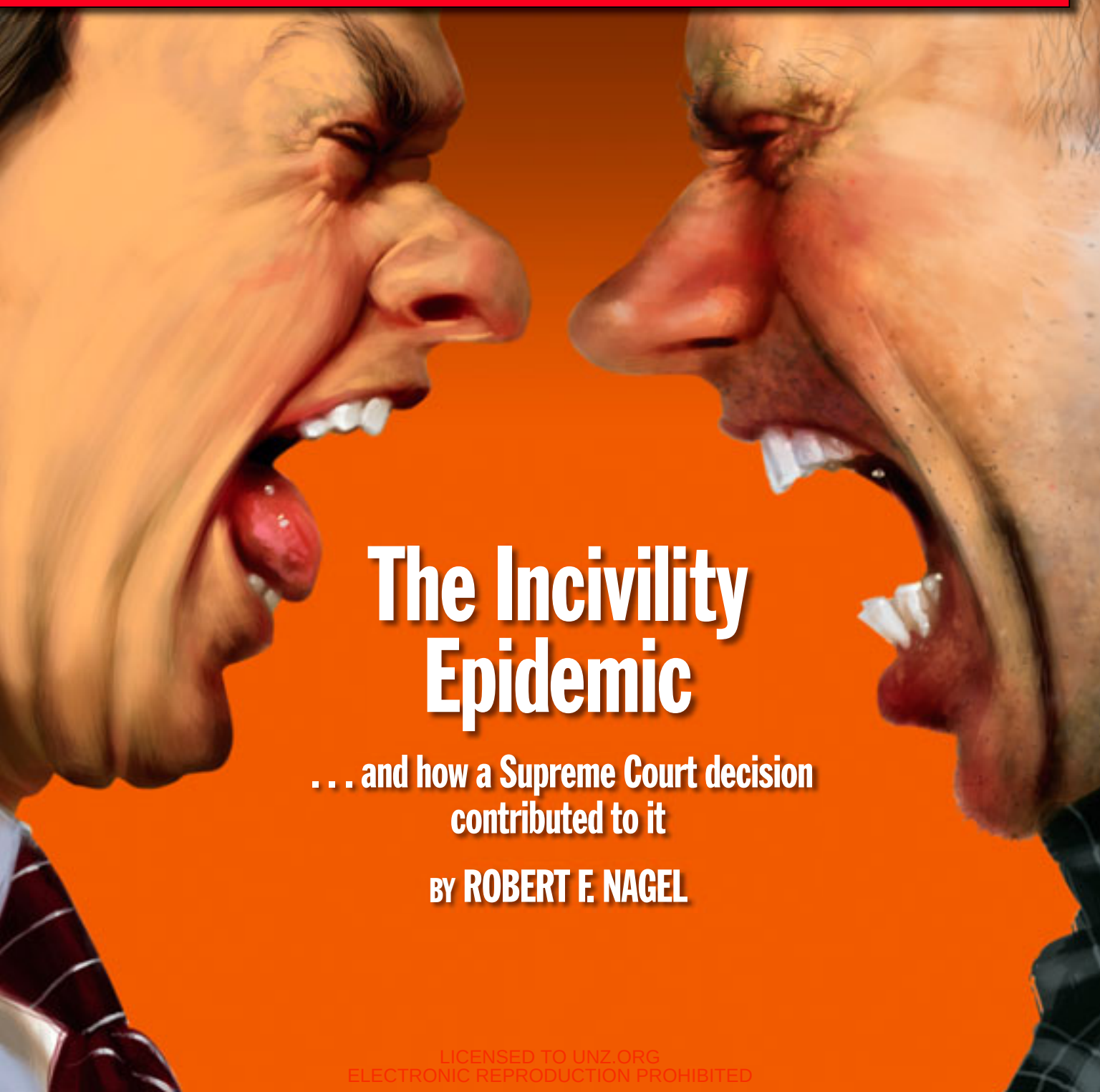

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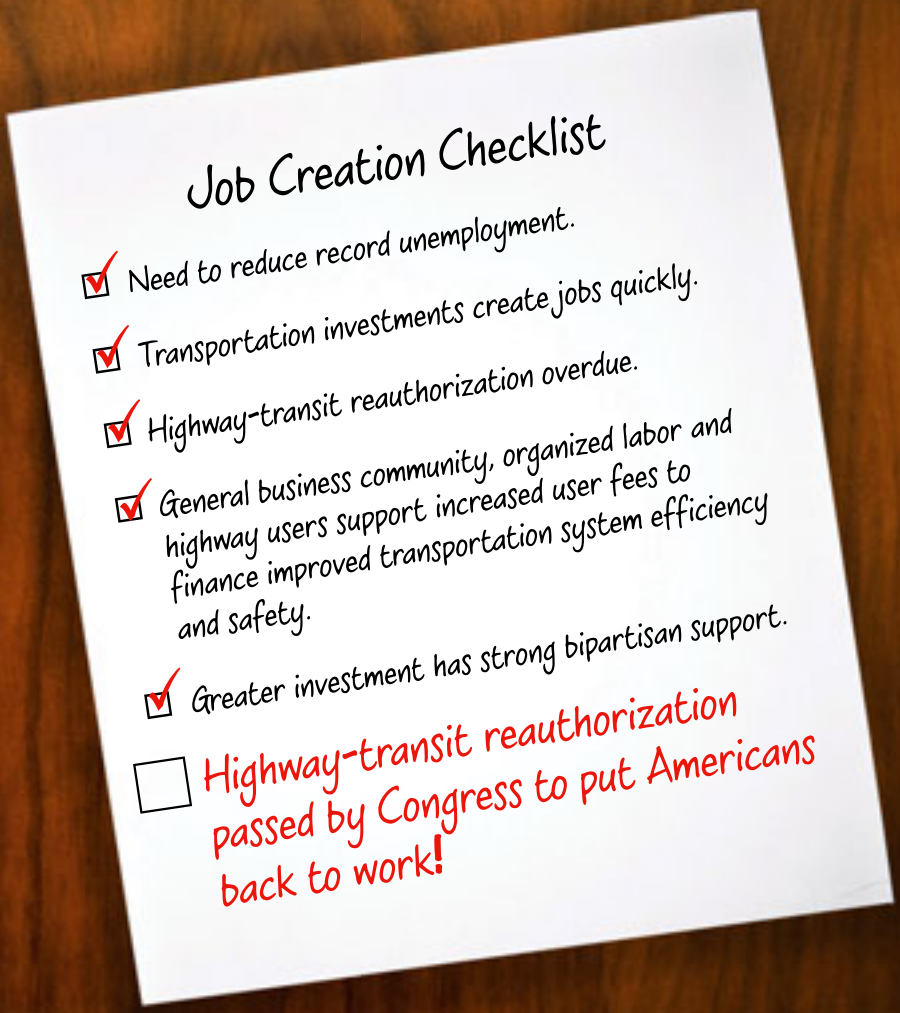

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Google ♥ Obama

Last week the *Washington Post* reported an odd bit of news from Mountain View, Calif.: Google was issuing an apology for one of its search results.

Apparently, it had come to Google's attention that when users performed an image search for "Michelle Obama," the first result was a nasty caricature of the First Lady. This prompted Google to run an ad on its own website apologizing to users for the image and explaining why it was included in the results. As Google spokesman Scott Rubin told the *Post*, "Because the image is offensive to many, we felt it was important to explain to our users why an image like that would appear."

While The Scrapbook is saddened to see the Internet put to such ignoble purposes—who knew that Vice President Gore's information superhighway could be so vulgar!—Google's apology seems a little strange. Because it turns out that the search results for lots of famous politicos are not very nice.

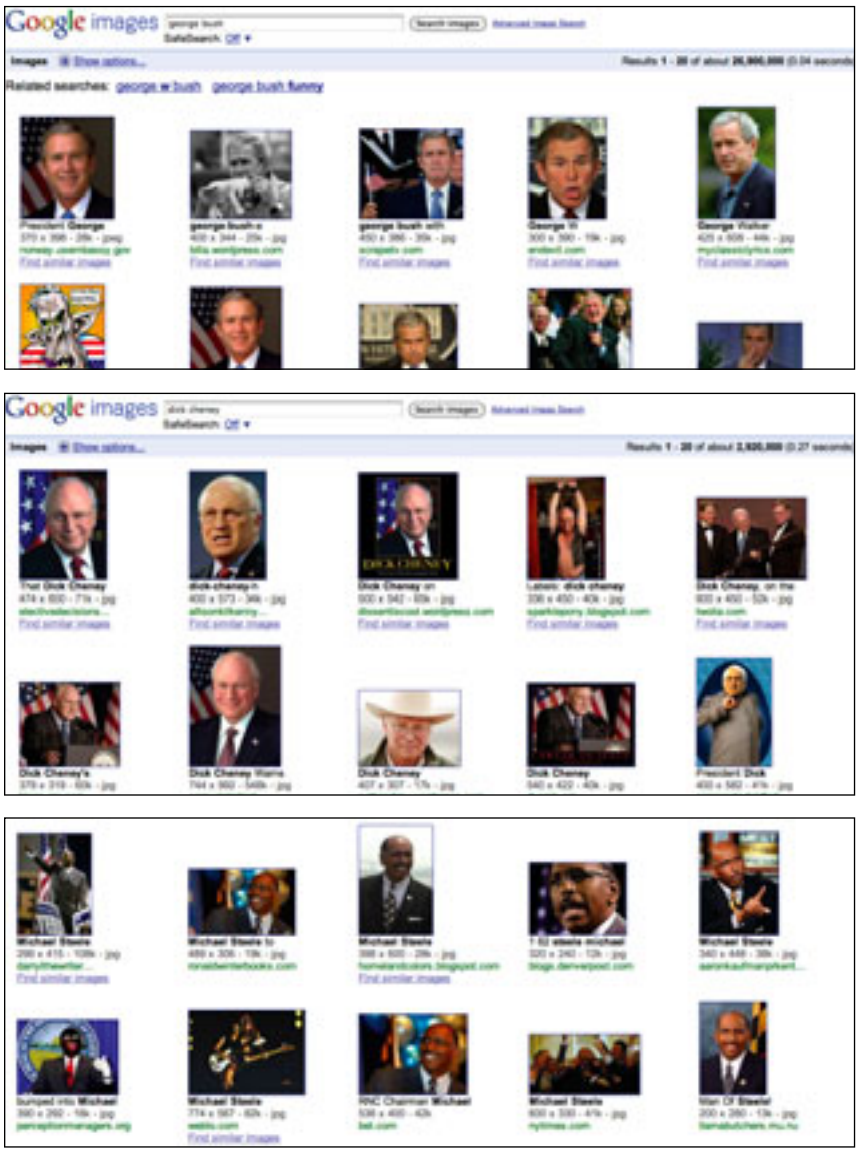
Do an image search for "George Bush," for instance, and the second result (as we write) is a Photoshopped picture making George W. Bush look as though he's eating a kitten. Just below that is a drawing of the former president as a fiendish ghoul. Do an image search for "Dick Cheney" and the fourth result is a picture of him doctored up into S&M garb. (Other first-page results have him as a vampire, a terminator, and Doctor Evil.)

Perhaps Google took the abuse of Michelle Obama more seriously because she's not an active politician. Well, neither is Sarah Palin. The top Google image result for Palin, however, is a fake *Vogue* cover with her face unflatteringly Photoshopped in. Other mocking top results include Palin's face pasted onto a busty model and onto a woman in a bikini who is holding a machine gun.

Of course, as unflattering as those pictures are, they aren't racist. So maybe Google is just being racially sensitive. Except that when you image search "Michael Steele," one of the top results shows the Republican chairman Photoshopped into minstrel attire, with white gloves, blackface, and giant red lips.

Maybe Google apologized because Michelle is simply a politician's wife and the company believes that the family members of public figures should be left alone. The Scrapbook agrees! Yet when you search for images of "Laura Bush," one of the first results you see is a picture which tries to make it appear as though the former first lady is standing around bottomless.

So why would Google give Michelle Obama special treatment? Who could say? It's a mystery! ♦



No apologies necessary: Google image searches of Bush, Cheney, and Steele

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The First State Dinner

THE SCRAPBOOK was overcome by nostalgia last week. With the arrival of the Indian prime minister and his wife in Washington, and the first state dinner at the Obama White House—by the way, can you have a state dinner in honor of someone who isn't head of state?—we couldn't help but reminisce about past state dinners.

There was, for example, the time Jacques Chirac came to visit George W. Bush, and Dubya climbed into his newly pressed Levis and swanky cowboy boots to feed the president of France a hearty meal of cheeseburgers and freedom fries, followed by video games. Then there was the dinner in honor of Hamid Karzai, leader of the newly liberated Afghanistan, when Bush pulled out all the stops for his exotic foreign guest: Take-out Chinese food, German Chocolate Cake for dessert, and music provided by surviving members of the Lawrence Welk Orchestra.

We're joking, of course. But if you read the breathless accounts of the Obama dinner in the *New York Times* or the *Washington Post*—there were 19 pictures altogether in the *Post* (and 38 online!)—you would get the distinct impression that there had never before been a state dinner at the White House, and even if there had, it must have been something like our fictional description of Bush state dinners.

Both the *Times* and *Post* were especially overwhelmed by the sheer elegance, graciousness, historic resonance, and thoughtful hospitality of the Obamas, augmented by their unprecedented attention to diversity, good manners, personal chemistry, shiny place settings, bipartisanship, sparkling banter, and sheer patriotic commitment to excellence—which, no doubt, explained the presence of such luminaries as Tareq and Michaele Salahi, currently filming *Real Housewives of D.C.*, as well as the obligatory network news readers (Katie Couric, Brian Williams), distinguished bloviators such as Thomas L. (*The World Is Flat*) Friedman, Hollywood types (David Geffen, Jeffrey Katzenberg, Steven Spielberg), Service Employees boss Andy Stern, moneybags Penny Pritzker, and New Age guru Deepak Chopra. In short, the first state dinner of the Obama presidency featured the usual selection of congressional heavyweights (Nancy Pelosi), slick fundraisers (Kirk Wagar), professional celebrities (Gayle King, Oprah Winfrey's close friend), and cultural window-dressing (novelist Jhumpa Lahiri) routinely found on these occasions.

The *Times*, however, could not resist a few not-so-subtle observations. The Obamas, it was reported, included some "African-American standards" on the menu (collard greens, chickpeas, cornbread) served to "some well-known Republicans"—who actually ate them! And "the Obamas . . . distinguished themselves from their immediate predecessors by holding their dinner under a grand tent on the South Lawn to allow for a more expansive guest list." Translation: The Bush guest lists were presumably limited to Halliburton executives, CIA torture squads, and televangelists.

Still, THE SCRAPBOOK was a little surprised to see that none of the hardboiled chroniclers of last week's dinner picked up on the inevitable self-aggrandizing note in Barack Obama's remarks. With the Indian prime minister seated beside him, the president invoked the shades of Mohandas K. Gandhi and Martin Luther King Jr. to bless the event, describing them as the "giants [who are] the reason why both of us can stand here tonight." No doubt, Dr. King would have been thrilled to

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meet David Geffen, and Gandhi would have happily discussed *Real Housewives of D.C.* ♦

There Will Always Be an Italy

A bracing report from blogger Fabio Paolo Barbieri (who specifies to readers that he does "not identify as a conservative, much less as the American brand") on the recent decision of the European Court of Human Rights that the presence of crucifixes in Italian public school classrooms violates the rights of parents to a secular education for their children and the right of children "not to believe":

> The country appears to have clenched itself like a fist, and the general feeling appears to be that if the eminent and learned judges want the image of the Crucified removed from our schools, they can bloody well do it themselves—and face the consequences.
>
> Not a single voice has been raised in favour of this decision. Dozens, maybe hundreds of mayors have passed *ordinanze* (town laws) that required the placing of the Crucifix in every classroom. In red Tuscany, Italy's home of atheists of the left and right, mayors have been sending the Carabinieri around to check that every classroom had its little crucified Christ well on display. In Lecco, a city in Lombardy—the part of Italy where religious practice is lowest and social mores most like those of non-Christian countries like France—a high school teacher who tried to remove the image from his own classroom faced a classroom revolt; when he ordered the students out, and furiously threw the crucifix into his dustbin, one of his students saw him, reported him to the headmaster—and the headmaster inflicted ten days of unpaid leave on him and told him to count himself lucky he did not report him to the professional authorities. . . .

Read the whole thing at fpb.livejournal.com. ♦

Angie, Where Will It Lead Us From Here?

In celebrity gossip news, *US Weekly* reports (to THE SCRAPBOOK's delight) that "Barack Obama does not have Angelina Jolie's seal of approval." Welcome to the club!

Granted, *US Weekly* isn't the most reputable publication. Nonetheless, the magazine's anonymous source says that "Angie isn't Republican, but she thinks Obama is all smoke and mirrors." Moreover, "she's into education and rehabilitation and thinks Obama is all about welfare and handouts. She thinks Obama is really a socialist in disguise."

To recap: Jolie backed the surge in Iraq, supports getting tough on Sudanese dictator Omar al-Bashir, refused to endorse a candidate in the 2008 presidential campaign, and blurbed WEEKLY STANDARD contributing editor Tod Lindberg's fine new book (*Means to an End: U.S. Interest in the International Criminal Court*, coauthored with Lee Feinstein). There's nothing our favorite Hollywood actress—the daughter of noted actor and conservative Jon Voight—can't do. Sarah Palin-Angelina Jolie in 2012! ♦

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Old-Man Injuries

The acute pain in my right foot extends from the inside arch over the instep to my ankle. It's a sharp, intense twinge when I walk or just press the accelerator in my car. When I sit, it throbs. When I focus on it, I imagine that inside my shoe my foot is actually pulsating, cartoon-style.

I lie awake at night contemplating my agony. What is the source of this intense physical discomfort? I wonder if I have somehow suffered the dreaded *lisfranc* fracture—the latest in a long line of football injuries that no one has heard of until such time as the previously unknown malady brings down a dozen players—like the "high" ankle sprain from a couple years back or last year's "sports hernia." Indeed, Miami Dolphin running back Ronnie Brown was lost for the season owing to a *lisfranc* fracture. It happened when a 340-pound defensive lineman landed on his foot as he pushed off to make a cut.

I know his pain. But it's taken me weeks to figure out why.

Unexplained aches and pains have become more and more frequent occurrences for me over the past couple of years. My younger brother, Andy, who's 36, calls these "old man injuries." If you are male and over 30, chances are you know exactly what we're talking about.

There are two kinds of old-man injury. The first comes as a direct result of some activity—usually an activity that would not have caused pain to your younger self. Like golf. As a teenager, I used to walk 36 holes of golf in a day and feel nothing the next day. Now, I play 18 holes of cart golf and suffer for three days afterwards.

The second kind is more frustrating because the source of the pain is a mystery. You wake up one morning and find that your right pointer finger won't bend. How is that possible? I went to bed pain-free and woke up unable to hold a pen.

There are hybrid old-man injuries, too. Not long ago, I was on the first tee at South River Golf Club in Edgewater, Maryland, with Andy and a friend, Buzz. It was early morning, and we were doing the kind of pre-round stretching that we never had to do 20 years ago. As I twisted my torso back and forth, I let out a sudden yelp. It felt as if something had snapped in my lower back. The source of pain was clear: a recurrence of an injury that I'd suffered on an airplane ride the week before. All I'd done to cause the initial injury was sit on a plane for a few hours. When I stood up after we landed, my back was wrenched. I walked through the airport hunched over. I got a luggage cart to transport my carry-on bag, which contained one suit and a pair of shoes.

My golfing partners could identify. Buzz was still sore from straining his chest muscles during a prolonged attack of sneezing. Andy was recovering from a severe groin injury. He had been sitting at his desk working on his computer late one afternoon. As he swiveled to his left and prepared to stand, a bolt of pain shot up his leg. He had somehow pulled his groin turning in his chair. He couldn't walk.

So it's not just me. A friend was down for a week after straining his shoulder as he pulled the cord to start his lawnmower. A relative, we'll call him "Andy," was relegated to his sofa for three days after he strained his lower back standing up from a long reading session in his favorite room. A childhood friend recalls trying to figure out how he ended up on the floor of his shower. One moment he was casually scrubbing himself—"trying to reach a place with my washcloth that I can apparently no longer reach"—and the next he was on his back, shielding his eyes from the water and kicking like an overturned turtle. "I spent 20 minutes on the floor of the shower before I was able to whimper my way to the faucet handle and climb out."

DAVID CLARK

I spoke to my wife the other day about my foot. She brainstormed with me about the cause of my pain. What had I done over the past couple of days that was out of the ordinary? Worn new shoes? A new workout? Any running?

Then it hit me.

Sure enough, my foot problem does have something in common with Ronnie Brown's season-ending injury. I do not have a *lisfranc* fracture, just a strained arch. But we both hurt ourselves in Florida.

His foot was crushed by a large football player. I took a walk on the beach.

Stephen F. Hayes

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A Year of Magical Thinking

DARREN GYGI

Next time you run into a group of Democrats, offer to splash water on their faces. They've spent 2009 in a dream state, and it's time they wake up. They're convinced that they can subsidize health insurance for millions of people while also "bending the cost curve" of health care spending. They want to sign us up for the political equivalent of one of those three-step "eat more to lose weight" diets. Step one: Pile on the expenditures, regulations, taxes, and fees. Step two: Close your eyes. Step three: Pray it all works out in the end.

Sorry, it won't. Entitlements cost money, and they almost invariably cost more than the government's initial predictions. When you increase demand for a product and the supply remains fixed, the price rises. Thanks to the individual mandate, the Democratic health care bills lasso Americans into a heavily regulated health insurance oligopoly. All these new consumers will wander through the government-run "exchanges," buying the plans they can afford with taxpayer subsidies. As demand for health care increases, so will the cost.

The idea that expanding coverage will save the country money has always been a fantasy. True, the Congressional Budget Office found that, under certain assumptions that the authors of the legislation in effect required the CBO to make, the House and Senate health bills might not blow up the deficit over the next decade. But that won't happen in the real world. For one thing, doctors' reimbursements just aren't going to be cut 20 percent.

The situation with respect to the long-term deficit is even worse. The Lewin Group, the Peter G. Peterson Foundation, and the government's own Centers for Medicare and Medicaid Services have all said that Obamacare won't control costs in the long term. When the experts at Peterson and Lewin looked at the template for legislation now under debate in the Senate, they found that it "does not bend the total health care cost curve downward as a percentage of the economy."

Consider what's happened in Massachusetts since its 2006 health care reform went into effect. More people in the Bay State have health insurance—and costs keep on rising. RAND recently found that health care spending is growing 8 percent faster in Massachusetts than the state's GDP. To deal with this situation, the state government has had to trim coverage and raise taxes. Even the *New York Times* editorial board has admitted that Massachusetts hasn't figured out "how to slow the relentless rise in medical costs and private insurance premiums."

The administration claims that Harry Reid's Senate bill contains cost-cutting measures. The problem is that these initiatives are unproven, trifling, or plain antidemocratic. For instance, the bill emphasizes preventive care. Living healthier lives is a good thing, but it doesn't lead to lower medical costs. "[F]or most preventive services, expanded utilization leads to higher, not lower, medical spending overall," congressional budget chief Douglas Elmendorf wrote in an August CBO study. Pilot programs to encourage cooperation among doctors and to jiggle around the way Medicare reimburses hospitals could save some cash on the margin. But not much.

As for comparative effectiveness research, the reaction earlier this month to new guidelines for breast and cervical cancer screenings shows that Americans don't like it when government panels interfere with individual health care decisionmaking. And congressional Democrats want to go further. The bill's main claim to control costs is the Independent Medicare Advisory Board (IMAB), an unelected body recommending cuts to Medicare. The Centers for Medicare and Medicaid Services found that the cuts included in the pending legislation would limit seniors' access to quality care. If you think there's a disconnect between the people and their government now, just wait until the IMAB starts saying it won't pay for Nana's surgery.

The White House is trying to persuade skeptical moderate Democrats that the Pelosi-Reid bills—though unpopular with the public and intellectually incoherent—are the only game in town. They're not. It's up to Republicans to make clear that they are willing to work with moderate Democrats in 2010 on incremental, practical, non-magical reforms. If Pelosi-Reid is defeated now, sensible health care reform is both possible and indeed likely next year.

So, here's the first item on our holiday wish list for Congress: Ditch the current bills. Start thinking about bipartisan approaches to health care policy. And awaken Democrats from their dream—before it turns into a nightmare for the country.

—Matthew Continetti

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People Not Placards

The real cost of Obama-style diplomacy.

BY ELLIOTT ABRAMS

GARY LOCKE

The Obama approach to world politics—engage, apologize, avoid friction, be humble, reach out to previously scorned tyrannical regimes—is being criticized nowadays on pragmatic grounds. A record of 10 months shows this modest approach has brought modest if any returns. Low costs, the president's defenders argue, and low risks, so it has been worth trying, even if the gains have been small.

But the Obama approach has a moral cost that is usually overlooked and that is very high for our country and for embattled fighters for human rights everywhere. It is true that we live in a Westphalian state system, but time—decades of human rights activism—has undermined the view that what a state does inside its own borders, to its own citizens, is no one else's business. Yet this administration appears devoted to that older view, and its lack of enthusiasm for human rights policy is already quite clear. One could not escape the whiff of disappointment, even annoyance, emerging from administration ranks when Iranians took to the streets after the June election there was stolen. It seemed the administration was actually irritated that those shenanigans might interfere with starting a new diplomatic track.

On his Asia trip the president consorted, at the ASEAN meeting, with the prime minister of the repressive regime in Burma, General Thein Sein, just as he had met at an OAS meeting with Venezuela's Hugo Chávez. Under a policy of promoting human rights and democracy, the United States should be focusing its policies toward such countries on what goes on within them, on supporting democracy activists and promoting the expansion of freedom, on opposing repressive regimes and working when we can to undermine them. But the approach Obama is taking is the almost inevitable product of elevating multilateral diplomacy, for you don't conduct diplomacy with demonstrators and bloggers, much less with political prisoners. You conduct it with the guy across the table, behind the placard that reads "Iran" or "Myanmar" or "Egypt."

True, it ought to read something like "Ayatollah's regime, hated by Iranian people," or "Representative of vicious Venezuelan dictator," but that won't happen outside political cartoons satirizing the United Nations. Multilateral diplomacy means small talk with torturers, tea with dictators, negotiations with regimes that survive through sheer brutal repression—and it means putting such unpleasant facts aside to gather U.N. votes and seek consensus.

That's the path the Obama administration has chosen, and the real societies that those placards supposedly represent are too often forgotten. A great nation like the United States has many and varied interests, and we need both to do business with tyrants and to engage constantly in multilateral diplomacy. But we need to remember that the people who really own those name-

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plates that say "Syria" or "Myanmar" are absent—the best of them sometimes in prison. We need to recall that multilateral diplomacy is not morally cost-free. The Obama administration's disengagement from human rights advocacy and its embrace of multilateralism are already proving that.

America's relations with complex Middle Eastern states such as Egypt are often difficult. Egypt is a combination of republican forms (a presidency, a parliament, political parties, a judiciary) and authoritarian reality where the security forces, the ruling party, and above all President Mubarak dominate the state and decide who gets what. For the United States, which values Egypt as a peace partner of Israel and as the reliable operator of the Suez Canal, Egypt's internal problems can create tensions we might otherwise wish to avoid. But we cannot, if we mean to understand what is really happening in that country: How popular or unpopular is the government and the ruling party, what would happen if there were free elections, does any of the new foreign investment trickle down below the super-rich, what will happen when the octogenarian Mubarak is gone?

During most of the Bush administration, human rights and democracy in Egypt were on the front burner. The administration was concerned that instead of laying the foundation for a stable democratic future, Mubarak was in effect building a two-party system that consisted of his ruling party and a single alternative, the Muslim Brotherhood, which might gain power when he was gone. Thus came the American pressure for a democratic opening, so as to begin preparing for Egypt after Mubarak.

But as the Bush administration undertook the Annapolis Conference and began to press for an Israeli-Palestinian peace deal during our final year in office, the "real" Egypt disappeared. No longer did we concentrate on poverty, or illiteracy, or oppression in that land of 80 million. Instead we saw only the Egypt that attended conferences and engaged in diplomacy—the Egypt of cabinet ministers and official spokesmen. "Egypt" became a placard behind which diplomats sat, not a real country. It became a U.N. vote instead of a society—to the great relief of its rulers and the disappointment of democratic activists there.

Given President Bush's lack of enthusiasm for the U.N. and his deep devotion to democracy, this pattern was an exception. But whenever rounds of multilateral diplomacy erupted, the risk of countries becoming placards arose as well. Nowadays, with the Obama administration's dedication to multilateralism, real countries are in danger of disappearing altogether.

Take President Obama's trip to China, where he saw no "real" Chinese at all—just a handpicked audience of party loyalists. No dissenters, no religious organizers, no democratic activists, all of whom we would wish to support if we cared about the real Chinese society more than the voice and vote of China's rulers. In fact, many such Chinese citizens were detained or muzzled during the president's visit, making his trip a real setback for democracy in China. In the case of Egypt, the Obama administration welcomed Mubarak (who had avoided Washington during most of the Bush years), but has cut funding for democracy and human rights programs helping real Egyptians. And as to Iran, funding for key programs to help the Iranian people free themselves has been cut while the administration seeks out talks with the country's increasingly despised rulers.

Syria is another excellent case. President Bush was disgusted by the Assad regime's oppression of the Syrian people as well as its support for terrorism, interference in Lebanon, and encouragement of jihadist attacks on Americans in Iraq. But George Mitchell, President Obama's Middle East peace negotiator, has visited there twice already, and other high-ranking officials have visited as well. Why? Because the real Syria doesn't matter right now; all that matters is Syria's role in the "peace process," which is what Mitchell was there to discuss. Small matters like the fate of political prisoners are not on the agenda when multilateral diplomacy beckons.

We do not have the luxury to deal only with democracies, of course, but the record of the Reagan administration provides a lesson in how to deal with dictatorships. Reagan met with every Soviet leader who survived long enough for a summit. Negotiations were constant—on strategic issues, regional issues, trade, and everything else. But simultaneously Reagan stated his moral judgments loudly and clearly: that the Soviet Union was an "evil empire" that would end on the "ash heap of history." So a man like Anatoly Sharansky, in a cell in the Gulag, understood fully not only Reagan's heart, but also his political analysis and his ultimate objectives.

Dealing with dictators was accepted as a necessity of world politics in the Reagan and George W. Bush years, and there was plenty of it, but exactly for that reason both presidents felt it critical to make our moral position clear. Those regimes were the ones who needed to apologize, not the United States; the end of those regimes was something we desired, because of our belief in peace and freedom; and the promotion of democracy was our moral duty and our political strategy. We sat across the table time after time from those foreign ministers and generals representing tyrannical regimes, but we never forgot that they did not speak for their own populations. The placards said they represented the USSR or China or military regimes in Latin America or Asia, but we never forgot that behind those placards lay real societies where millions were seeking freedom—and looking to the United States for moral and practical support.

The costs of the Obama approach cannot be measured, then, only by his failure to get agreements over Iran sanctions or economic coordination or assistance in Afghanistan. They must be measured as well by the substantial abandonment of American support for human rights and democracy, a casualty of the "multilateral engagement" policy. Next time the president looks across a negotiating table, he should use his imagination—and see past the tyrant with the placard, to the people being oppressed. The president may not be able to free them, but he can avoid the terrible spectacle of appearing to forget them. ♦

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Holding Holder Accountable

The U.S. Commission on Civil Rights steps up.

BY JENNIFER RUBIN

The U.S. Commission on Civil Rights (USCCR) is in the news again, for the first time since then-chairman Mary Frances Berry tried to prevent seating a George W. Bush appointee. This time, though, it is challenging liberal civil rights orthodoxies, and Democrats and left-leaning civil rights groups are the ones in the crosshairs. Since January, the commission has been helping to fill the gap left by the lack of congressional and media oversight of a liberal administration. The commission, according to Kenneth Marcus, the USCCR staff director from 2004 to 2008, becomes more important "when the president and Congress are of one party and major civil rights organizations are aligned with them."

The USCCR is something of an oddity. Created in 1957 as part of the Civil Rights Act, it conducts investigations, holds hearings, and publishes reports—about four a year—on the key civil rights issues it decides the nation is facing. (Half of its eight commissioners are appointed by the president, half by Congress, with not more than four allowed from the same party.) It has a minuscule budget ($9 million) and no power to enforce legislation. As Marcus explains, "Its sole power is the power of the bully pulpit. . . . It is the power to shame."

Today a majority of commissioners favor a "conservative" view of civil rights—opposition to racial preferences and adherence to a colorblind vision of the Constitution—which they believe mirrors the original vision of our civil rights legislation.

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The USCCR's agenda includes voter fraud, the adverse impact of economic regulation on minority opportunity, school choice, and a number of other topics in conflict with liberals' civil rights agenda. The commission has lately opposed law school and state bar racial preference policies and exposed the lawless preservation of racial preferences in government contracting. The USCCR commissioned compelling research pointing to the deleterious impact of racial preferences on minority students pursuing science, technology, and math careers. And it just announced an investigation into the admissions practices of nonelite universities, which may in the name of "gender balance" be suppressing the number of female admittees. The issue has failed to attract the interest of the self-styled feminist groups, and it's no wonder. As Roger Clegg of the Center for Equal Opportunity wryly observes, if women's groups were to argue that gender should be irrelevant and women admitted based on their superior merit, "That's a slippery slope. If that's true for gender, why not for race?"

Eric Holder

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The USCCR's efforts are putting it in conflict with leftist civil rights groups devoted solely to expanding racial preferences. Commissioner Gerald Reynolds points to the commission's examination of a provision in the Democrats' health care plan that would encourage race preferences in medical schools in order to improve health care for minorities. USCCR research showed that instituting race preferences for medical school would not improve the health care in minority communities. "When you peel it back and analyze the issue," Reynolds says, "it is not [racial] disparity which has created the two-tier health system." It is "a non-sequitur."

The USCCR is also taking a major role in the high-profile New Black Panther party (NBPP) voter intimidation case. On Election Day 2008, members of the NBPP were caught on video threatening voters at a Philadelphia polling station. Department of Justice lawyers investigated and were poised to enter a default against the NBPP and three individual members. In May, though, Obama administration officials dismissed the case without explanation. The decision enraged legal groups and Republican congressmen, forcing an investigation by the Justice Department's Office of Professional Responsibility (OPR). But no congressional hearings are forthcoming, and doubts about OPR's rigor and independence have been raised. Republican representative Frank Wolf says that he is "not so sure OPR is really digging": "They are not really talking to a lot of people and about a lot of things."

Into this breach has stepped the USCCR. It sent letters in June and August to Justice demanding to know the reasons for the dismissal and whether the department had changed its longstanding interpretation of the Voting Rights Act. The USCCR's concern goes beyond potential ethi-

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cal violations by Obama appointees meddling with career attorneys' work, Reynolds explains. No one, he notes, would "seriously entertain the view that the Justice Department would have taken the same approach if we moved this out of Philadelphia, to the South with white men . . . in hoods, swinging billy clubs and saying 'This is a white man's world.'" The USCCR's interest, he explains, is in the "precedent": "I don't want any organization or group to point to the New Black Panther party controversy and say, 'We did the same exact things, and we want the same treatment.'"

Attorney General Eric Holder has so far ignored requests for relevant documents despite a statutory mandate to cooperate. Notes Commissioner Peter Kirsanow, "We thought we had made a very reasonable information request. We got a cursory response, and we've continued to be stiffed." Hans von Spakovsky—a former counsel to the assistant attorney general for civil rights—thinks Holder must have "something to hide."

> There is no reason why the pleadings and other documents in the case cannot be turned over to the Civil Rights Commission. The case is over with—it is not an ongoing matter. If they did nothing wrong and made the correct decision on the law and the facts, they should want to turn over their legal opinions and analysis.

The USCCR has decided to conduct its own year-long inquiry and hold hearings.

The USCCR advised Holder of its plans in a September 30 letter noting that, if he didn't respond to its request for documents, "it will be necessary for us to propound our interrogatories and interview requests directly on the affected Department personnel." Holder again did not respond, and on October 30 the USCCR voted 5-2 to authorize issuance of subpoenas. A source unrelated to the commission with knowledge of the case describes what the subpoena will force the government to disclose:

> Justification memos, investigative memos, witness statements and affidavits, remedial memos, proposed remedial orders, emails discussing the facts and applicable law, information obtained from potential expert witnesses the Department consulted prior to dismissal, emails and memos responding to political appointees, emails from third parties to political appointees including from any NAACP officials lobbying for a dismissal, and perhaps most interesting of all—the responses about the case the four career attorneys prepared for the Office of Professional Responsibility regarding their investigation of then Acting Deputy Assistant Attorney General Steve Rosenbaum and then Acting Assistant Attorney General Loretta King which were provided to OPR back in September. The latter are likely the best source of the truth about the case.

Samir Shabazz and Jerry Jackson of the New Black Panther party at a Philadelphia polling station on November 4, 2008.

Such data and the testimony from witnesses would likely focus a public debate on Obama officials' political interference with career attorneys' work. On November 16, the Justice Department finally responded, tersely informing the USCCR that it would await completion of the OPR investigation before cooperating.

Late last week, the USCCR went ahead and issued subpoenas to depose a number of witnesses, including at least one Justice Department employee, with accompanying demands for relevant documents concerning the NBPP case. That employee has informed the Justice Department that he has been served. On November 20 the commission voted to approve procedures for an array of depositions and a complete discovery plan, but the USCCR has not divulged the number or the identities of those subpoenaed at this stage. Commissioner Todd Gaziano says that the USCCR will not be dissuaded by the Justice Department's refusal to cooperate and may proceed to vote as early as December 4 on conducting a full hearing.

A legal standoff is likely if Holder defies a subpoena issued to the department or seeks to prevent individual Justice Department employees from complying. Justice is charged with enforcing subpoenas in federal court—an action Holder's subordinates certainly would not take against their boss or colleagues. Spakovsky says: "If Holder defies the subpoena, there should be calls for congressional action. There certainly would have been during the Bush administration." Reynolds says that he doesn't think "it will get to that": If "the Department of Justice is comfortable with its decision it should have no problem discussing the facts and its rationale in a public setting."

However the legal wrangling progresses, the USCCR has raised the NBPP case's profile. Any efforts to block witnesses from appearing will

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certainly attract notice and may spur Republicans in Congress to address the issue by resolution or in oversight hearings. Clegg notes, "They can certainly put pressure, public pressure on the Justice Department to expose a cover-up if they can get anybody to listen." If there was improper pressure brought to bear on career attorneys, "That's a story," says Clegg.

Meanwhile, Republican congressmen have been redoubling their efforts. On November 10, Wolf and Lamar Smith of Texas sent a letter to the attorney general expressing concern "that close to three months after OPR's inquiry began, we have yet to receive a clear explanation of the basis on which the Civil Rights Division dismissed the complaint against the New Black Panther party." On November 16, Wolf followed up with a letter asking for copies of reports prepared by the trial team in the NBPP case.

A minority of the commissioners is not pleased with pursuing the matter and would rather defer to Holder. Two Democratic commissioners have publicly criticized the commission's investigation of the NBPP case, deeming it "deeply troubling." One can expect that future Obama appointees will concur. There is also speculation that the Democratic Congress and White House will try to disband the USCCR.

But the Obama team may simply choose to hunker down until it can stock the USCCR with sympathetic commissioners. Given the staggered terms, the present majority likely will continue until the end of 2010, when President Obama will be able to replace the chairman and another commissioner.

For now, the commission is doing what no other government entity is: challenging the Justice Department's lack of transparency and politicization. An effort by the administration to shut down or muzzle the commission would, as Clegg points out, "look ham-handed" if its NBPP work gains "traction." It'll be one more controversy the Obama administration could do without. ♦

Punishing Allies …

The view of Obama from Central Europe.

BY TOD LINDBERG

Warsaw

The Obama administration has hit more than a few reset buttons since taking office. In the case of the Islamic world, resetting has meant respectful outreach exemplified in Obama's Cairo speech. With China, resetting means minimizing the American hectoring on human rights and conspicuous displays of antagonism toward Beijing such as a meeting for the Dalai Lama with the American president. The effort to reset Israel-Palestine, now itself reset, entailed early pressure on Israel to halt all settlement construction in the West Bank. In Iran, the reset was an offer of carrots—up to normalization of relations in exchange for an end to Iran's ambition to acquire a nuclear weapon. And, of course, the biggest reset of all has been with Russia, where the administration has sought to de-ideologize relations for the sake of arms-control agreements and future help with Iran.

To be fair, it's too soon to say what will come of all this resetting. A successor agreement on nukes with Russia seems very achievable; a breakthrough in the Middle East peace process much less so. Perhaps the most generous way to understand the new administration's initiatives is as a series of medium- to long-term bets. At least potentially, the payoffs are high: A China continuing its "peaceful rise" is in everyone's interest. A Russia committed to a nonnuclear Iran might go a long way toward slowing that country's secretive weapons program.

Clearly, the administration as a whole sees merit in trying approaches very different from the ones associated with George W. Bush. But the question is how much of the world's trouble was Bush's fault. If our Iran problem has more to do with Iran than with Bush administration policy toward Iran, our Russia difficulties more to do with Russia than with Bush's Russia policy—and likewise with the Middle East, Asia, the Islamic world writ large, and elsewhere—then there is not much reason to be very optimistic about the prospects of an un-Bush reset. The payoffs may be high, but the odds are long.

And the potential collateral damage is not negligible. Already, the left-leaning side of the human rights community is beginning to express dismay over an administration that seems reluctant to speak out against repression when its words might get in the way of all the resetting. The examples are many, from Iran's violent crackdown on street demonstrations protesting electoral fraud last summer to China and Burma. The administration's decisions to close Guantánamo and to try Khalid Sheikh Mohammed in the U.S. criminal justice system won plaudits from the left, but it's a bit much to act as if the biggest human rights issue in the world today is whether the U.S. government seeks the death penalty for KSM in a criminal court or before a military commission.

Not the least of the collateral damage has been to traditional U.S. allies. The September decision to cancel the missile defense system planned for deployment in Poland and the Czech Republic and staunchly opposed by Russia is a case in point. The one thing the planned system had the least to do with was its stated purpose of stopping long-range missiles fired by Iran at Europe. No one took such a contingency as anything but a remote threat. In fact, recently revised U.S. assess-

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ments of Iranian priorities showed greater emphasis on development of short and medium-range missiles, providing the Obama administration the rationale for scuttling the interceptors in Poland and the radar in the Czech Republic.

For the Poles and the Czechs, though, the proposed deployment was something more, a conspicuous indication of U.S. commitment under the auspices of NATO to the territorial defense of Central and Eastern Europe. Suspicions about Russian intentions with regard to both the "near abroad" of former Soviet territory and the territory of the former Warsaw Pact have long been present there. And they have heightened considerably since Russian tanks rolled into Georgia in August 2008—ostensibly to defend ethnic Russians in the breakaway Georgian territories of Abkhazia and South Ossetia, but clearly a display of raw clout staking a claim to a sphere of influence outside Russian borders.

For Russia, the missile defense system was a threat. True, perhaps not to its nuclear arsenal (though the Russians liked to claim the system was a precursor to an ABM capability directed against them)—but certainly to Russia's desire for deference. Moscow had long opposed NATO enlargement. But its opposition was largely ineffectual until Georgia was denied the Membership Action Plan the Bush administration was pushing for at a summit in April 2008.

It's fair to say that missile defense has never been as high a priority in Democratic defense policy circles as Republican. It would have taken little to persuade the new administration that the Polish-Czech deployment was unnecessary, while stressing the potential for improved relations with Russia as a result of its cancellation. In making the decision—announced prematurely and clumsily, due to administration concerns about a leak, on the 60th anniversary of the Soviet invasion of Poland—the administration lost sight of or was indifferent to the symbolic aspects of the deployment as a display of U.S. commitment to its allies.

Throughout Europe these days, there are substantial worries about U.S. disengagement. The concern is not confined to Central and Eastern Europe, though it is most acute there. Western European publics are gaga about Obama, whom they regard as the antidote to George W. Bush. Policymakers see a rather different picture. Obama is happy to accept European adulation and accolades, including a Nobel Prize, but seems less inclined to view Europe as much of a strategic priority or as an especially valuable partner in pursuit of U.S. policy objectives. It's not quite a European sense of abandonment (though that worry seems to get stronger the farther east you go, as I saw at a recent conference in Latvia). Rather, it's the sense of being an object of so-far benign neglect.

Obama is happy to accept European adulation and accolades, including a Nobel Prize, but seems less inclined to view Europe as much of a strategic priority or as an especially valuable partner in pursuit of U.S. policy objectives.

True, the United States remains keenly interested in allied commitments to Afghanistan. But not quite to the point of seeming to involve anyone else very much in the months-long deliberations over how to go forward there. Meanwhile, it became shockingly clear following the Georgia conflict that there had been no serious NATO contingency planning for the territorial defense of the new, post-Cold War allies. That would seem like the bare minimum due to all members who have pledged in Article V of their treaty to regard an attack on one as an attack on all—the more so given their participation in the Afghanistan mission.

NATO is currently involved in drafting a new "strategic concept" to guide the alliance in the years to come. Nothing wrong with that, but NATO is currently fighting an actual shooting war against a tenacious set of adversaries in Afghanistan and has yet to develop credible plans for defending all its members. Winning the war you are fighting and making sure you can deliver on the alliance's core promise of collective self-defense are not bad strategic concepts. First things first.

Yet even such basic priorities for the alliance as territorial defense aren't obvious to everyone these days. A show of hands at the recent Halifax International Security Forum, a major pro-NATO gathering of North Americans and Europeans, revealed a number of participants who regard improving relations with Russia as more important than defense planning. Yes, most members seemed to think that you need both, but the point is that there is a detectable inclination among some to conclude that serious defense planning may antagonize Russia and is therefore undesirable. That's the point at which the Russian reset poses basic risks.

Central and Eastern Europeans would like some reassurance about the U.S. security commitment to them. That was the message of a somewhat alarmist but nevertheless compelling July open letter to the Obama administration from more than 20 current and former leaders in the region.

They deserve their reassurance sooner rather than later. It seems likely that Europeans—Eastern, Central, and Western—will assume greater salience in the administration's thinking as reset bets fail to pan out: You can work most constructively with those who are most willing to work constructively with you. That means Europeans and others around the world who share our views on such matters as human rights, free expression, and democratic government.

It may not be the best way to get to the right conclusion, but it seems likely the U.S. government will once again find its voice on democracy and human rights if for no other reason than that Russia, China, Burma, Sudan, and company are unlikely to make it worth our while not to speak up on such matters. ♦

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Catfights Inside U.S. Intelligence

The struggles can be petty but the stakes are high.

BY GARY SCHMITT

Dennis Blair was confirmed by the Senate to be Obama's director of national intelligence (DNI) within days of the inauguration. Other than his failed attempt to appoint Charles Freeman to head up the office which produces national intelligence estimates, Blair's only other newsworthy achievement has been to be in a running battle with CIA director Leon Panetta—another Obama appointee—over who will be the real don when it comes to American intelligence.

The most recent scuffle came to light when it was reported that the White House had given Blair the authority to evaluate the effectiveness of "sensitive operations" run by U.S. intelligence. In a memo sent to staff on November 13, Blair went out of his way to note that this would include operations "conducted by the CIA." Behind vague wording and oblique phrasing, Blair was saying that he would now have a say about whether the agency's covert action programs were working and/or worth the effort. In effect, Blair would now get to play Monday morning quarterback with programs historically held tightly within the CIA.

Earlier in the year, Blair wanted the final say on who would be the government's principal intelligence representative in American "stations" abroad. In the past, this had always been the prerogative of the CIA director—who before the creation of the DNI was also double hatted as "director of central intelligence" and nominal head of the intelligence community. As a practical matter, this authority fell naturally into his lane since the station chiefs were almost always CIA officers. Blair, not unreasonably, believed that times had changed: that the lead intelligence person in a country abroad today has more on his hands than just running agents and that the liaison work with foreign governments was a far broader task than what a senior "case officer" was accustomed to handling. After a fairly public airing of the clearly acrimonious dispute, however, Panetta retained that authority for the CIA.

Dennis Blair

ASSOCIATED PRESS / SUSAN WALSH

Panetta has not lost out altogether in the matter of overseeing sensitive operations either. Blair's new responsibilities do not include authority of saying "yea" or "nay" to the operations themselves—an authority Blair apparently sought. Covert action remains a matter to be decided largely between Langley and the White House.

The turf fights occur because the position of DNI is itself unclear. The Intelligence Reform and Terrorism Prevention Act of 2004 made the DNI the head of the whole intelligence community and the principal adviser to the president on intelligence matters. It also provided him with sufficient power over the intelligence community's budget and personnel to make those new roles effective. Frankly, it is not surprising that Blair would try to assert himself and the authority of his office given his military background. A former admiral, he headed the U.S. military's Pacific Command (PACOM), where he commanded thousands of military personnel and hundreds of ships and planes. There is little doubt in Blair's mind that if you're given a broad mandate then you should have say over what's being done. But the 2004 law creating the DNI was not specific about matters like "covert action," and it was almost inevitable that there would be bureaucratic friction between the CIA and the DNI's office.

It is certainly true that an independent assessment of the value of any given sensitive intelligence activity is probably warranted. And it is also true that the CIA is not always the best judge of whether its own programs are effective. But, that doesn't necessarily mean that the DNI should be conducting those reviews. If anything, as the term "sensitive" suggests, what really counts is the policy impact and/or policy problems those activities generate—something folks at places like the National Security Council, which deals in policy, are better positioned to assess. As a Hill staffer notes, Blair's efforts risk "getting into the [operational] weeds when the DNI should be looking at overarching management issues." Or, as another congressional source noted, "It seems like the DNI is getting involved in the same things that led the [CIA director] to lose focus." Blair "wants to be the intelligence briefer, wants to go to all the meetings, wants to run chiefs of station, and wants to manage covert action." Understandable, but not necessarily the best thing for U.S. intelligence.

Which brings us back to the original problem that provided impetus

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for overhauling the structure of U.S. intelligence in the wake of 9/11: the failure of agencies within the intelligence community to share information with each other and with the law enforcement community. It was a "connect-the-dots" problem with few dots being shared. But one didn't need to create an intelligence czar to fix information sharing. Creating the all-agency Counterterrorism Center and issuing new directives on what had to be shared would have been (and has been) sufficient.

But folks in Washington were bound and determined to use the attacks on 9/11 to do to the intelligence community what they had done to the Pentagon and military services with the 1986 Goldwater-Nichols Act. They wanted to streamline U.S. intelligence—in essence, create a more hierarchical, less fractionalized community—yet do so without ever asking themselves whether that reform would actually fix what was wrong with U.S. intelligence.

Which brings us to the second big problem—the one far less commented on—that there were not actually all that many dots to connect in the first place. Would the new structure address the fact that the CIA simply wasn't very good at recruiting the assets we needed or that the FBI's law-enforcement mentality was not a good fit for the war on terror? No, but, then again, solving those problems would have required more "root and branch" reforms that neither Congress nor the Bush White House was interested in tackling in 2004. Easier to create a czar, draw new lines and boxes, and call it a day.

So, what we have now are turf fights and an ever-more layered intelligence bureaucracy. Maybe it won't really matter as long as those big problems get fixed and stay fixed. I suspect, however, that real intelligence reform is less likely when the boss at the top is even more removed from the agencies that might need changing. It could be that Blair's preoccupation with asserting his office's authority is a prelude to his using it to truly fix what ails U.S. intelligence. But I wouldn't bet the house on it. ♦

Non-STARTer

Another Obama diplomatic failure?

BY FRED BARNES

President Obama will receive his Nobel Peace Prize on December 10 in Oslo, Norway. This is a problem for Obama, and maybe for the rest of us as well.

When the Nobel Committee announced the award, it pointedly "attached special importance to Obama's vision of and work for a world without nuclear weapons." But Obama may go to Oslo empty-handed—and a bit embarrassed—on exactly that issue, the reduction of nuclear weapons. This is because the chief nuclear arms treaty between the United States and Russia (START) expires on December 5, and any new treaty has yet to be agreed on.

> For Obama, pulling out of arms talks would be entirely out of character. Americans would applaud. But the Nobel Committee would feel betrayed, and Obama isn't likely to let that happen.

The White House is desperate to avoid the humiliation of having failed to finalize a treaty that Obama and President Dmitri Medvedev of Russia can sign pre-Oslo. General James Jones, Obama's national security adviser, traveled to Moscow a month ago to speed up the negotiations. Admiral Mike Mullen, chairman of the Joint Chiefs of Staff, is expected to go to Moscow.

The urgency creates problems of its own. In the eagerness to produce a fresh arms control agreement, Obama's negotiators may make concessions harmful to America's national security interests, particularly on the matters of counting the number of nuclear delivery vehicles and inspecting weapons facilities.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

Verification matters. In the old days the Soviets couldn't be counted on to abide by the limits in a treaty. Nor can the Russian government today. Verification is what the Russians would most like to restrain in the new treaty. And any gap between treaties—between the old and the not-yet-agreed-on new one—would give them freedom to deploy weapons not allowed under the START agreement negotiated in 1991.

What verification measures might be negotiated away or restricted? One is telemetry, the electronic record of missile tests collected by the Russians and by American satellites. Another is the ability of inspectors to monitor missile production at the factory sites. Still another is the reduction of other notifications of missile firings.

The counting of missiles under the treaty is important. The U.S. military wants to put conventional warheads on missiles now armed with nuclear warheads. The Russians insist these should be counted as nuclear missiles. They shouldn't be, but the fear is American negotiators may agree to count them anyway.

What's changed during the negotiations is who wants a treaty more. In the beginning, the Russians appeared to, given their passion for reductions in the number of American missiles. Now, with Obama's appearance in Oslo only weeks away, the Americans are the more eager.

If START expires, the Russians are expected immediately to deploy a new

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mobile missile, the RS-24. This would not be permitted under the old treaty. These missiles, even how many there are, will be difficult to track unless they are seen first-hand at the "exit portals" of Votkinsk, the facility where they are being manufactured.

Early decisions on arms control have come back to haunt Obama. He could have pushed for a simple five-year extension, the process for which is spelled out in the 1991 treaty. Or he could have sought an amended treaty. Instead, the administration took on the more complicated task of negotiating a new treaty.

Senator Jon Kyl of Arizona, the Republican whip, has criticized the administration for leaving verification, the most sensitive issue, for last. "It spent the first half of the year negotiating a joint understanding that would allow it to show progress toward the president's goal of a world without nuclear weapons," he said in a recent speech. "According to press reports, only now have negotiators begun looking at the question of verification."

"I was shocked that there had been virtually no talk," Kyl said, "of what happens after December 5 and prior to the possible entry into force of the follow-on agreement when and if it is signed by the two executives."

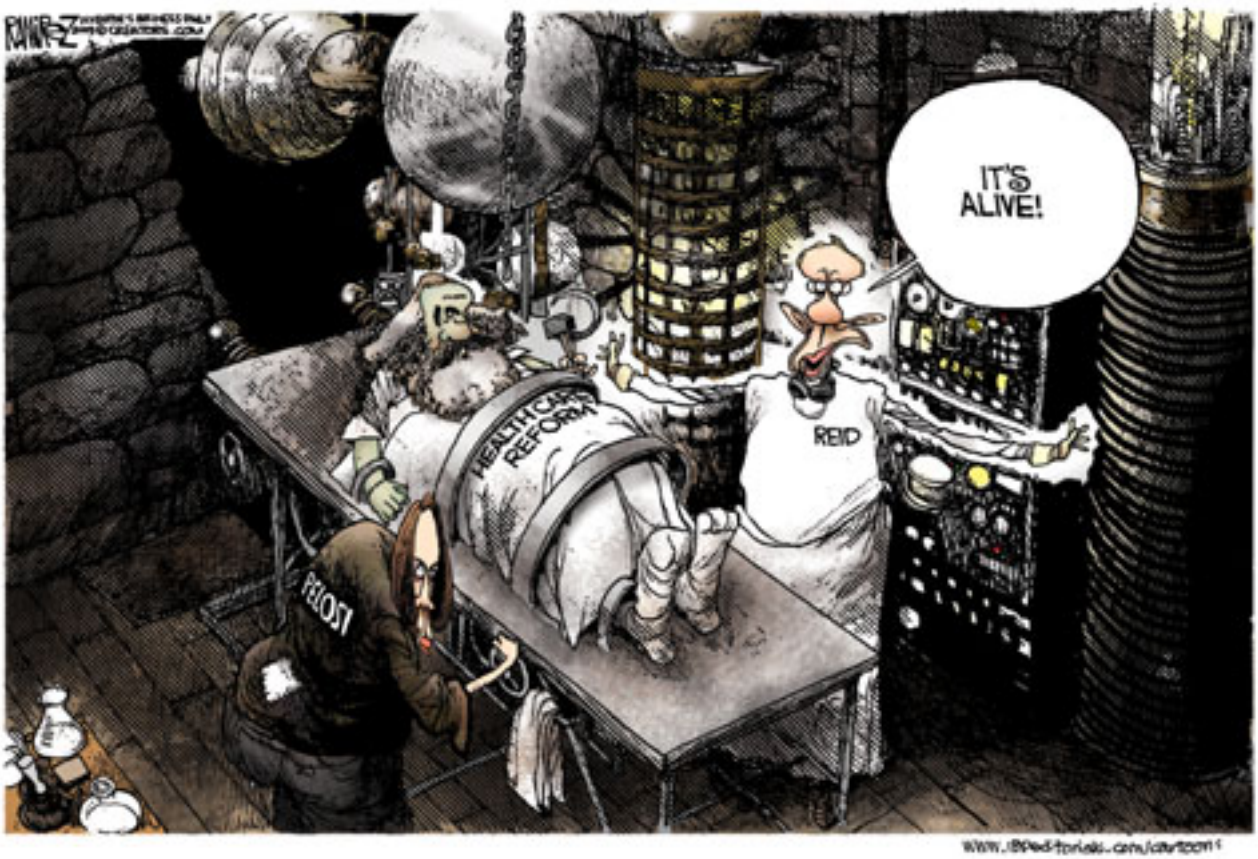
Senator Richard Lugar of Indiana, the ranking Republican on the Foreign Relations Committee, has offered one possible solution. He proposed legislation to allow Russian inspectors to remain on duty in the United States. Whether the Russians would reciprocate is unclear. In any case, the White House has shown minimal interest in the Lugar legislation.

Republicans have two other worries. One is that the Obama team has little interest in the treaty they're actually negotiating, with its slight reductions in weapons. They're looking toward the next one with deep reductions and are willing to make concessions now in hopes of facilitating the next round.

Kyl also worries that the administration might back away from its promise to modernize America's decaying nuclear force, a $10 billion to $15 billion project. "If they don't submit a robust modernization, as is required by law, with a good first year [in terms of spending]," Kyl will oppose a new START treaty. "They know that."

And if Obama is required to concede too much, he still has the Reagan option. He could do what one arms control expert calls "pulling a Reykjavik." In 1986, President Reagan halted talks with Soviet leader Mikhail Gorbachev rather than settle for a deal requiring the abandonment of missile defense.

For Obama, pulling out of arms talks and declaring he won't agree to a bad deal would be entirely out of character. Americans would applaud. But the Nobel Committee would feel betrayed, and Obama isn't likely to let that happen. ♦



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The Incivility Epidemic

How the Supreme Court's defamation decisions coarsened our public life

By Robert F. Nagel

In recent weeks charges of defamation have been flying thick and fast. Writing in the *Wall Street Journal*, Rush Limbaugh accused the Reverend Jesse Jackson, as well as CNN, MSNBC and various unidentified sportswriters, of attributing to him racist statements that he never made. Limbaugh traced these statements, including one supporting slavery and another praising the murderer of Martin Luther King Jr., to a Wikipedia post that was in turn based on a fabrication printed in a book that provided no source for the quotations. Limbaugh's article also mentioned the Reverend Al Sharpton, whom Limbaugh described as having played a leading role in two race riots in the 1990s, and Sharpton promptly threatened to sue Limbaugh for defamation.

The spectacle of these two famous and outspoken men complaining about damage to their reputations has its risible side, but their complaints are part of a more general pattern of charges and countercharges concerning irresponsibility in public debate. The House speaker, Nancy Pelosi, has voiced the fear that rhetoric criticizing President Obama is so overheated that it might lead to an assassination attempt. But Pelosi has used some overheated rhetoric herself—for instance, calling some of the protesters at last summer's town-hall meetings "un-American." Obama has accused the medical insurance industry of being "dishonest" in its opposition to his proposed reform legislation. The president himself was famously accused of lying about health care by Representative Joe Wilson, who was later admonished by the House of Representatives for having "degraded the proceedings" during a joint session of Congress.

Robert F. Nagel is the Rothgerber professor of constitutional law at the University of Colorado Law School and author most recently of Unrestrained: Judicial Excess and the Mind of the American Lawyer *(Transaction, 2008).*

Granted, there is something suspicious in sanctimonious complaints about irresponsible public debate when the complaints are voiced by those who engage in irresponsible public debate. Even assuming that these complaints involve large doses of posturing, though, it is also possible that powerful and prominent people sense that they are caught up in a political culture that is vicious. Indeed, the very fact that people are expected to accept calumny as an ordinary part of taking a leadership role in political life is itself a sign of something gone wrong. In any event, observers of the political scene are entitled to note with dismay the prevalence of distortions and insults and to wonder about the causes of degenerate public discourse.

The nasty character of modern political argumentation is commonly traced to a number of factors. For one thing, Americans are—and always have been—a contentious people. Today, however, this contentiousness is magnified enormously by new technologies. Many lament the anonymity of the blogosphere, as well as the unremitting hunger for angry confrontation that sustains interest during 24-hour news cycles. But technology is only part of the story. The nationalization of divisive issues, like abortion, has surely contributed to the current climate. So has the ideological polarization of the two political parties and the politicization of higher education. One cause that receives less attention than it deserves is the work of that paragon of thoughtful decorum, the Supreme Court.

The Court's role in coarsening the culture by protecting profanity and pornography does get some attention. But the role its defamation decisions have played in lowering the standards of political discourse is mostly ignored. Indeed, *New York Times* v. *Sullivan*, the watershed opinion that in 1964 began the Court's ambitious campaign to protect defamatory speech, has been the object of much adulation. Two highly respected free speech scholars, Harry Kalven Jr. and Alexander Meiklejohn, greeted *Sullivan* with the declaration that the decision was "an occasion for dancing in the streets." Anthony Lewis's well-received

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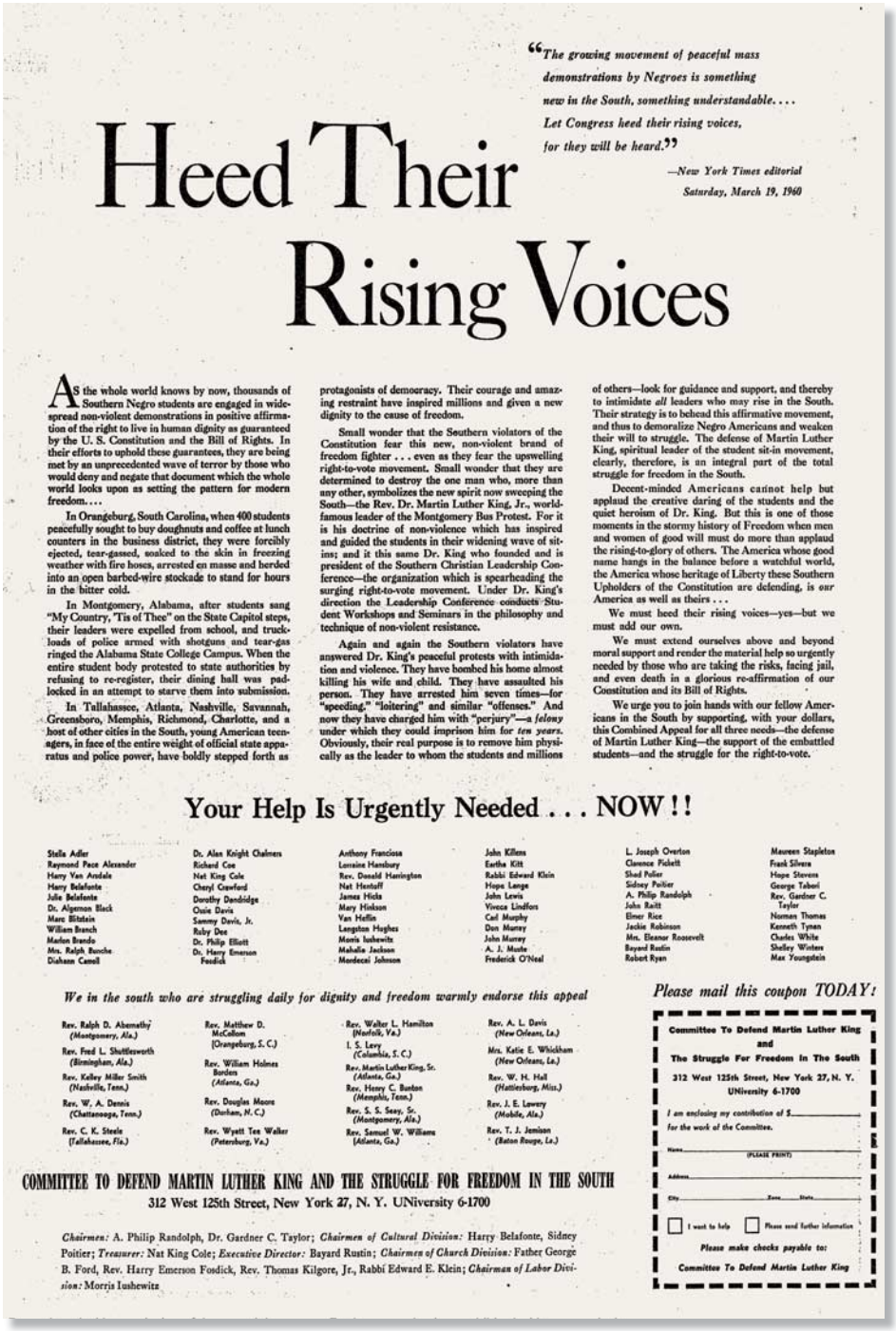
book on the case called it a "transforming judgment" that dispelled a threat to "the right of the press to report on tense social issues." Many of the criticisms that do exist accept the basic logic of the defamation decision and argue that the justices should have gone even further in protecting libel and slander.

The reasons so many are in favor of privileging defamatory speech have partly to do with the intellectual force of the classic arguments for an unfettered marketplace of ideas made by people like John Stuart Mill and Justice Oliver Wendell Holmes. Yet the free pass for *Sullivan* and subsequent defamation decisions is also partly traceable to intellectual fashion, an odd fact given the premium that Mill and Holmes put on the need to challenge orthodoxies of all kinds.

And then there is plain old self-interest. Journalists, law professors, and political commentators are in the business of publishing and thus stand to benefit from the protections created by the Court. Whatever the causes, the result has been an underappreciation for the degree to which the Supreme Court's efforts have been based on a limited and distorted understanding of the nature of a healthy system of political debate.

Beginning with *Sullivan*, the Court's decisions have been premised on a clear but false dichotomy. The interests thought to be at stake are, on the one hand, the individual's personal interest in reputation and, on the other, the public's interest in a robust system of free expression. Once the relevant interests are identified in this way, the logic behind constitutional protections for defamation is simple: *Forcing people to pay for damage they have caused to someone's reputation acts as a disincentive to vigorous expression.*

The argument goes on to claim that it is not only false and harmful messages that are discouraged but also—because of the need to stay clear of the risk of litigation and liability—some truthful messages. Traditional defamation rules, then, have a generally inhibiting effect on free-wheeling debate. In fact, the *Sullivan* Court declared that the possibility of large monetary awards will create a "pall of fear and timidity . . . in which the First Amendment freedoms cannot survive."



"*The growing movement of peaceful mass demonstrations by Negroes is something new in the South, something understandable. . . . Let Congress heed their rising voices, for they will be heard.*"

—*New York Times editorial*
Saturday, March 19, 1960

Heed Their Rising Voices

As the whole world knows by now, thousands of Southern Negro students are engaged in widespread non-violent demonstrations in positive affirmation of the right to live in human dignity as guaranteed by the U. S. Constitution and the Bill of Rights. In their efforts to uphold these guarantees, they are being met by an unprecedented wave of terror by those who would deny and negate that document which the whole world looks upon as setting the pattern for modern freedom. . . .

In Orangeburg, South Carolina, when 400 students peacefully sought to buy doughnuts and coffee at lunch counters in the business district, they were forcibly ejected, tear-gassed, soaked to the skin in freezing weather with fire hoses, arrested en masse and herded into an open barbed-wire stockade to stand for hours in the bitter cold.

In Montgomery, Alabama, after students sang "My Country, 'Tis of Thee" on the State Capitol steps, their leaders were expelled from school, and truckloads of police armed with shotguns and tear-gas ringed the Alabama State College Campus. When the entire student body protested to state authorities by refusing to re-register, their dining hall was padlocked in an attempt to starve them into submission.

In Tallahassee, Atlanta, Nashville, Savannah, Greensboro, Memphis, Richmond, Charlotte, and a host of other cities in the South, young American teenagers, in face of the entire weight of official state apparatus and police power, have boldly stepped forth as protagonists of democracy. Their courage and amazing restraint have inspired millions and given a new dignity to the cause of freedom.

Small wonder that the Southern violators of the Constitution fear this new, non-violent brand of freedom fighter . . . even as they fear the upswelling right-to-vote movement. Small wonder that they are determined to destroy the one man who, more than any other, symbolizes the new spirit now sweeping the South—the Rev. Dr. Martin Luther King, Jr., world-famous leader of the Montgomery Bus Protest. For it is his doctrine of non-violence which has inspired and guided the students in their widening wave of sit-ins; and it this same Dr. King who founded and is president of the Southern Christian Leadership Conference—the organization which is spearheading the surging right-to-vote movement. Under Dr. King's direction the Leadership Conference conducts Student Workshops and Seminars in the philosophy and technique of non-violent resistance.

Again and again the Southern violators have answered Dr. King's peaceful protests with intimidation and violence. They have bombed his home almost killing his wife and child. They have assaulted his person. They have arrested him seven times—for "speeding," "loitering" and similar "offenses." And now they have charged him with "perjury"—a *felony* under which they could imprison him for *ten years*. Obviously, their real purpose is to remove him physically as the leader to whom the students and millions of others—look for guidance and support, and thereby to intimidate *all* leaders who may rise in the South. Their strategy is to behead this affirmative movement, and thus to demoralize Negro Americans and weaken their will to struggle. The defense of Martin Luther King, spiritual leader of the student sit-in movement, clearly, therefore, is an integral part of the total struggle for freedom in the South.

Decent-minded Americans cannot help but applaud the creative daring of the students and the quiet heroism of Dr. King. But this is one of those moments in the stormy history of Freedom when men and women of good will must do more than applaud the rising-to-glory of others. The America whose good name hangs in the balance before a watchful world, the America whose heritage of Liberty these Southern Upholders of the Constitution are defending, is *our* America as well as theirs . . .

We must heed their rising voices—yes—but we must add our own.

We must extend ourselves above and beyond moral support and render the material help so urgently needed by those who are taking the risks, facing jail, and even death in a glorious re-affirmation of our Constitution and its Bill of Rights.

We urge you to join hands with our fellow Americans in the South by supporting, with your dollars, this Combined Appeal for all three needs—the defense of Martin Luther King—the support of the embattled students—and the struggle for the right-to-vote.

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The 1960 advertisement that caused L.B. Sullivan to sue the 'New York Times.'

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That *Sullivan*'s logic was based on an oversimplification is suggested by this ahistorical conclusion. If the kinds of defamation rules that had existed throughout American history threatened to create a pall of fear and timidity, where was the evidence that up until 1964 political criticisms had been inhibited or timid? Apparently satisfied that its economic analysis was sufficiently persuasive in itself, the Court offered no historical support for its dire conclusion.

Supported or not by the facts of American history, the Supreme Court widened its campaign for robust public debate in the years after *Sullivan*. That initial case had been about the defamation of a public official and thus involved the special place that the right to criticize the government has in First Amendment law. The Court soon expanded the same protections to defamations of individuals who, while outside of government, had entered "the vortex of public debate."

Next the justices constructed an elaborate set of privileges for messages that relate to a private person but on "a matter of public concern." These new privileges are less protective of a speaker or writer than those that apply to the defamation of public officials and public figures but are more protective than had commonly been applied to the defamation of private individuals. In the Court's view, this intermediate level of protection appropriately balances the same two interests that underlay the logic of *Sullivan*—the individual's interest in reputation and the public's interest in robust discussion.

The Court's campaign to protect defamatory speech has now drastically altered the law in virtually every state. Only defamation relating to a private individual on a matter of private concern is subject to traditional penalties. Constitutional protections have also been announced to limit the right to recover for invasion of privacy and intentional infliction of emotional distress.

To the many individuals complaining about the prevalence of careless and ugly untruths in our public discourse, those convinced by the logic of the Court's decisions have a stock reply: "This is the price we must pay for a vigorous system of free expression." But that answer is as simplistic as the justices' decisions, because it assumes that traditional protections from defamation and other harmful speech served only private interests.

As Justice Byron White fruitlessly argued, the defamation rules in place throughout most of our history helped to create a healthy system of public debate. That is one reason why American political debate had been reasonably vigorous during all those decades prior to *Sullivan* when, according to the Court's suppositions, it should have been characterized by a pall of fear and timidity. What the Court missed in its eagerness to limit protections for reputation is the fact that those protections serve *both* private interests and free speech interests.

Consider, for example, the incentives that traditional protections against defamation created for active participation in public life. Because those protections were not diminished when a person held governmental office or became active in public debate, people who sought that kind of prominence paid no special reputational price. In its defamation decisions, the Court saw that traditional defamation law discouraged certain kinds of criticisms of people in public roles, but it did not see how this very fact encouraged active engagement in political affairs.

The legal scheme put in place since 1964 tends to discourage the participation of people who care about reputation. Left on the public stage are those for whom civility means less.

To allow politically active people to recover for harm to their reputations on the same terms as others had a more subtle benefit as well. The possibility of recovery would have had more significance for those who placed an especially high value on their reputations. Thus, valuable voices were added to political discourse—the voices of people who cared about their standing in the community and, presumably, would be inclined to understand why others might care about their reputations as well.

In contrast, the legal scheme put in place since 1964 tends to discourage the participation of people who care about reputation. Left on the public stage are those for whom civility means less.

Even the disincentives to speech that the *Sullivan* Court did recognize are more complex than it acknowledged. It is true, of course, that traditional defamation law discouraged certain kinds of criticisms of people in public life. Since truth was a defense, however, the law encouraged truthful criticisms. It encouraged the kind of careful research and fact-gathering that could provide a defense to a defamation claim.

The legal scheme created by *Sullivan* does just the opposite. That scheme protects defamatory statements unless the speaker acted with "knowing or reckless disregard for the truth." In many situations this means, perversely, that the more the speaker knows, the more he risks liability. So the *Sullivan* standard contains its own disincentives to speech. It can discourage the impulse to investigate further and thus to write more fully and more accurately.

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This strange result can be seen in the facts that led to the Court's decision. The *New York Times* had published a fundraising advertisement sponsored by the "Committee to Defend Martin Luther King and the Struggle for Freedom in the South." The ad charged Montgomery police with ringing Alabama State College and padlocking the school's dining hall in an attempt to "starve [students] into submission." It also asserted that police had bombed Dr. King's home. In fact, the police had never ringed the campus and had not locked the dining hall, where students continued to eat their meals. Rather than having bombed King's home, the police had made strenuous efforts to find those responsible.

The manager of the Advertising Acceptability Department at the *Times* had not checked the accuracy of the inflammatory claims in the advertisement. He had not even checked the *Times*'s own news stories. Under the Court's reasoning, however, since the manager had not done any research that might have raised doubts about the ad's accuracy, he was justified in simply relying on the reputations of those who had signed it.

Under *Sullivan*, then, while reckless disregard for the truth can support a defamation award, relative ignorance can absolve the speaker of recklessness. This disincentive to thoroughness and accuracy deprives the system of important information. It is especially destructive because journalists know that competitors in their high pressure world have been liberated by *Sullivan* to publish spectacular claims quickly and carelessly.

Sullivan illustrates other ways that traditional defamation law enriched the system of free expression. In many situations—including in the original trial that resulted in a substantial monetary award for the Montgomery police commissioner L.B. Sullivan—the defamed person did not have to prove pecuniary injury. Thus when Sullivan demonstrated that the statements injured his reputation, the law presumed that he had been harmed in a way that could warrant compensation.

This presumption, obviously, created an incentive for a person whose reputation had been sullied to seek vindication in court. The law could provide a remedy even if proof of damages was costly or uncertain. A judicial determination, in turn, not only could compensate the victim but also could provide the public with important information about the truth or falsity of the information asserted to be defamatory. The rigorous presentation of evidence at trial can produce a different, and sometimes fuller, picture of the relevant events than might emerge from the more chaotic methods of public argumentation.

The jury granted punitive damages to Sullivan in part because the *Times* had been offered an opportunity to retract the false information in the advertisement it published and had refused. This feature of pre-*Sullivan* defamation law also could work to improve public discourse by providing an incentive for self-correction.

Traditional defamation law, then, in many ways served to enrich American political discourse. Since *Sullivan*, the Court has ignored this complexity by relying on a simplistic model of a healthy system of free speech. What has mattered is volume, speed, and audacity. A healthy system, however, also requires quality, deliberation, and responsibility.

A healthier system of free speech—of the sort that would be promoted by protections against defamation—is not a radical idea. In fact, anyone who steps out of the artificial world of free speech jurisprudence into the real world of functioning public institutions will see this model in action. It can be seen, perversely enough, in the Supreme Court's own procedures. The Court does not hear oral arguments until it has been provided detailed and exhaustively researched legal briefs. During oral arguments, one advocate speaks at a time and is held to answer for weak arguments or inaccurate depictions of the record in the case. The Court's opinions emerge slowly after discussion among the justices, laborious research, and multiple drafts.

You might expect, therefore, that the members of the Court would be appreciative of how care and civility can enrich discourse. Nevertheless, it is not hard to understand at least one reason why the *Sullivan* Court ignored the many ways that traditional defamation law helped to enrich American political discourse. The justices must give authoritative answers to constitutional questions. If First Amendment values actually lie on both sides of a dispute—if free speech is not only inhibited but also promoted by traditional defamation law—justifying any particular resolution to a case like *Sullivan* becomes much more difficult.

Because the need for clear-cut answers in constitutional cases impels the Court toward a simplified and unrealistic understanding of the requirements of a successful system of free expression, it is probably futile to expect the federal judiciary to rethink its doctrines. However, inasmuch as the Court has thoroughly constitutionalized the issue of defamation, there is no alternative route to reform. The best that can be hoped for is that state legislatures might be bold enough to challenge the Court's constitutional straitjacket, at least around the edges. Efforts at carefully drafted right-to-reply statutes might be a place to start.

Unfortunately, in recent decades the Court has not reacted with interest or respect when the political branches contest its pronouncements. In a way, though, this is all the more reason to give the justices an opportunity to reconsider their assumptions about the nature of public debate in a democracy. ♦

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What Johnny Needs to Learn about Islam

Texas, Florida, and California revise their textbook standards.

By Stephen Schwartz

Eight years after the atrocities of 9/11, Americans need to know what public school textbooks are teaching about Islam, radical Islam, and terrorism. The big three textbook states—those that set standards for content because publishers aim to capture their large sales, California, Texas, and Florida—are currently preparing for new textbooks, to be introduced in 2010-13. These books are likely to shape the content of public instruction for several years to come. At this point in a complex process of drafting and adopting "standards," then "frameworks," and finally texts, with time for public comment and revision at each stage, the outlook in both Texas and Florida seems quite encouraging, while California's effort appears regrettably stuck in a pre-9/11 mindset.

In the past, American textbooks were prone to two great pitfalls: Either they dealt with Islam superficially or they presented it in the manner preferred and promoted by well-funded defenders of Islamic extremism. A hallmark of that latter view is an emphasis on the unity of Islam, which is portrayed as simple, monolithic, and benign. The wide range of belief and practice between Sunni, Shia, and Sufi Islam, to name only the best-known variations, is downplayed, and the problems of Islam, especially violent jihad, are simply left out. Some of the current efforts at revising textbooks successfully avoid these mistakes.

The Texas Education Agency issued its proposed new standards for world history at the end of July. The deadline for public comment was October 9, and the approval process is now under way. The revised standards are posted in an 18-page document at ritter.tea.state.tx.us/teks/social/WorldHistory073109.pdf. Especially by comparison with the last Texas standards, issued in 1998, they mostly reflect a post-9/11 outlook.

For example, the old Texas standards called for students to be able to

> identify changes that resulted from important turning points in world history such as the development of farming; the Mongol invasions; the development of cities; the European age of exploration and colonization; the scientific and industrial revolutions; the political revolutions of the 18th, 19th, and 20th centuries; and the world wars of the 20th century.

Islam went unmentioned. The new proposed standards, if adopted, will have pupils in Texas learn to

> identify major causes and describe the major effects of the following important turning points in world history from 600-1450: The spread of Christianity, the decline of Rome and the formation of Medieval Europe; the development of Islamic Caliphates and their impact on Asia, Africa and Europe; the Mongol invasions and [their] impact on Europe, China, India and southwest Asia.

In addition, the proposed standards will require students to

> identify major causes and describe the major effects that resulted from the following important turning points in world history from 1450-1750: the rise of the Ottoman empire, the influence of the Ming dynasty on world trade, European exploration and the Columbian exchange, European expansion, the Renaissance and its impact on the arts, government and intellectual thought, the Reformation, the decline of the Roman Catholic church and the creation of the protestant faith.

The new specifications not only broaden the study of Western culture, but also turn attention to the Islamic caliphates and the effects on them of the Mongol invasions. Perhaps teachers will use the Mongol subjugation of Baghdad in 1258 to illustrate how Islam grew from a religious

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community focused on the core Arab lands to one in which new developments arose within Persian, Turkic, Indian, and other non-Arab cultures. Study of the Ottomans is even more useful for dispelling the erroneous idea that Islam is simply "the Arab religion."

Similarly, the old Texas standards prescribed that the student "understand how, as a result of the collapse of the Western Roman Empire, new political, economic, and social systems evolved, creating a new civilization in Western Europe." The student was expected to: "(A) compare medieval Europe with previous civilizations; (B) describe the major characteristics of the political system of feudalism, the economic system of manorialism, and the authority exerted by the Roman Catholic Church." Again, Islam was missing.

The proposed new standards include the following addition: "Trace the development of Islam as unifying political, economic, and social factors in Europe, Asia, and Northern and Eastern Africa." While the inclusion of Islam is welcome, this particular addition is problematic. Describing Islam as "unifying" typically reflects the ideal of a single, indivisible Islamic global community or *ummah*, a concept consistently promoted by Muslim radicals. History, even as written by classical Muslim historians, shows that Islam cannot be described simply as "unifying," unless unification refers purely to territorial conquest. Islamic societies have remained deeply divided, within and without, over theological differences, language, customs, political rivalries, relations with non-Muslims, and other issues. It is crucial that American students learn that, like the other "universal" religions, Judaism, Christianity, and Buddhism, Islam has no single, homogenous, unitary, or exclusively legitimate expression. The term "unifying" would be better deleted from the standards.

American textbooks have been prone to two pitfalls: Either they dealt with Islam superficially or they presented it in the manner promoted by well-funded defenders of Islamic extremism. Some new revisions successfully avoid these mistakes.

Another improvement in the Texas standards involves modern totalitarianism. The old standards required students to "understand the impact of totalitarianism in the 20th century" and mentioned "nazism-fascism in Germany, Italy, and Japan; the rise of communism in the Soviet Union; and the Cold War." They called for analyzing "the nature of totalitarian regimes in China, Nazi Germany, and the Soviet Union." The new standards include much more detail regarding the effects of World War I; the Russian revolutions; the Great Depression and German, Soviet, and American responses to it; the personalities of the main global leaders during World War II; the Holocaust, the Cold War, and decolonization.

But in addition, the new standards demand that students

> understand the impact of the rise of Islamic fundamentalism and terrorism and the ongoing conflict between the Palestinians and the Israelis in the second half of the twentieth century. The student is expected to: (A) explain the rise of Islamic fundamentalism in the second half of the twentieth century; and (B) explain the origins and global consequences of the Israeli-Palestinian conflict; and (C) explain the global response to terrorism from September 11, 2001 to the present.

Islamic fundamentalism and terrorism are properly considered in the context of modern totalitarianism. But if this addition to the Texas standards is positive, it also elicits one caveat. The new language could suggest a causal link between the conflict over territory in Israel and the Palestinian lands and the emergence of Islamic fundamentalism. Some Westerners have come to believe the Israeli-Palestinian wars are motivated by religious hostility and that actions by the West and Israel have brought about the growth of Islamic fundamentalism. It is appropriate for American students to be exposed to the alternative view: that Islamic fundamentalism has been introduced into the Israeli-Palestinian confrontation by powerful radical interests, especially those financed by Saudi Arabia and Iran, aggravating the Israeli-Palestinian problem.

In yet another improvement, language that formerly called for comprehension of the cultures of East and West has been supplemented with the following: "Explain how Islam influences law and government in the Muslim world." This opens an opportunity to explore an important area of conflict between moderate and radical Islam that should be thoroughly understood by American students. Radical Muslims—whether in power in countries like Saudi Arabia, Iran, and Sudan and in parts of Nigeria, Afghanistan, Pakistan, Malaysia, and Indonesia, or competing for power in places like Egypt, North Africa, and the Palestinian territories—demand that law and government be guided exclusively by religious sources, typically of a rigid and retrograde nature. In other Muslim countries, however, Islam plays a major social but limited legal role and does

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not ordain a system of governance. These include Morocco, Algeria, Lebanon, Jordan, and the Muslim states of the Balkans, Central Asia, and Southeast Asia. The 138 million Muslims of India—the third largest Muslim population in the world—have lived as citizens of an officially secular democracy for more than half a century. Appreciating these different approaches to law and government is critical to understanding the conflicts within present-day Islam.

These improvements in the Texas textbook standards may at first seem trivial, but their value is illuminated by comparison with the standards recently issued in Florida and California.

The Florida Department of Education released its new social studies standards in December 2008. They are accessible to the public through a complex series of prompts at www.floridastandards.org. At some points, Florida's new standards are more direct about the problems of Islam than those in Texas.

Florida's standards prescribe study of "the relationship between government and religion in Islam." In addition, they require students to "determine the causes, effects, and extent of Islamic military expansion through Central Asia, North Africa, and the Iberian Peninsula" and to "describe key economic, political, and social developments in Islamic history. . . . Examples are growth of the caliphate, division of Sunni and Shia, role of trade, dhimmitude, Islamic slave trade." Under these standards, students would be introduced to aspects of Islamic history that have generated critical literature. The concept of dhimmitude, for instance, as a description of the inferior social status of non-Muslims in an Islamic social system, is subject to considerable scholarly debate. But precisely such contested issues should be examined for an understanding of relations between Muslims and the rest of the world. The inclusion of Muslim involvement in slave trading is perhaps even more important, in that it has habitually been ignored in American schools.

California's Department of Education, by contrast, seems to have made no progress. One senses an effort in the wake of the terrorist attacks to present Islam as utterly harmless. The state's financial crisis has caused it to suspend the public review of its new textbook standards and frameworks, but a revised framework was released in July 2009, accessible at www.cde.ca.gov/ci/hs/cf/.

Texas and Florida are wise to teach students about crucial past and present interactions between Muslims and non-Muslims, including conflicts between them and even among Muslims. California treats Islam as one more hue in the multicultual rainbow.

The proposed California framework includes clearly objectionable elements. Students would be instructed, for example, that "Islamic law . . . rejected the older Arabian view of women as 'family property,' declaring that all women and men are entitled to respect and moral self-governance." This statement ignores the oppressed condition of women in many Muslim societies, exemplified by Saudi Arabia.

At a later point, the new California framework states, "In Baghdad and other Muslim-ruled cities, Muslim, Christian, and Jewish scholars collaborated to study ancient Greek, Persian, and Indian writings, forging and widely disseminating a more advanced synthesis of philosophical, scientific, mathematical, geographic, artistic, medical, and literary knowledge." This rosy panorama of high culture in Baghdad neglects significant conflicts between Muslim factions, which led at times to violence, and extends a wide but unreliable umbrella of intellectual achievement over all Muslim cities.

Other points in the California textbook framework clearly promote a blinkered view of Islam. They include the following:

> 3. Explain the significance of the Qur'an and the Sunnah as the primary sources of Islamic beliefs, practice, and law, and their influence in Muslims' daily life. 4. Discuss the expansion of Muslim rule through military conquests and treaties, emphasizing the cultural blending within Muslim civilization and the spread and acceptance of Islam and the Arabic language.

These conceptions are anything but neutral. They falsely imply that all Muslims, in their "daily life," follow identical religious rules. In addition, while many Muslim societies have included significant religious minorities and featured cultural exchanges between Islamic rulers and their non-Muslim subjects, "cultural blending within Muslim civilization" is an overly benevolent way of describing that history, to the point of being fictional except in isolated and obscure instances.

Finally, the advance of Islam did not imply the unqualified "spread" of Arabic—witness the vigorous development of Muslim cultures in the Persian, Turkish, Balkan, South Asian, and Southeast Asian languages. California schooling reaffirms what Texas instruction implicitly undermines: the false stereotype that Islam is simply the "Arab" religion. Further along in the California framework, a discussion of West Africa asks that instructional

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materials "trace the growth of the Arabic language in government, trade, and Islamic scholarship in West Africa" although in that region as well, Arabic has never replaced local languages as a primary means of communication.

Islam is treated as an entirely benign phenomenon in California guidelines, and may well remain so in textbooks reflecting the new framework. This was, to a degree, predictable. California has been the state most susceptible to Islamist interference in education. The 2005 History-Social Science Framework for California Public Schools, issued by the California Department of Education and re-posted by the state authorities on June 5, 2009, incorporates a 1995 statement of principles on "Religious Liberty, Public Education, and the Future of American Democracy" to which a questionable entity, the Council on Islamic Education (CIE), gave its endorsement. CIE was founded in 1990 by Shabbir Mansuri, an Indian-born Muslim, and was renamed the Institute on Religion and Civic Values (IRCV) in 2006. It is located in Fountain Valley, California.

The transformation of CIE into IRCV followed criticism of the organization by education expert Diane Ravitch in her 2003 volume *The Language Police*. Ravitch accused CIE of improperly influencing the textbook publishers Glencoe, Houghton Mifflin, and Prentice Hall by "review[ing] their Islamic content" in a manner that "may account for the similarity of their material on Islam as well as their omission of anything that would enable students to understand conflicts between Islamic fundamentalism and Western liberalism." The same 2005 California framework cites a 1988 document, "Religion in the Public School Curriculum, Questions and Answers," developed with the participation of the Islamic Society of North America, an organization that since 9/11 has come under considerable scrutiny for its association with Saudi fundamentalism.

Americans, especially young Americans, need accurate information about Islam, as well as other aspects of global affairs. The more critical attitudes introduced in Texas and Florida will doubtless elicit dissatisfaction from Islamists. But Texas and Florida are wise to teach students about crucial past and present interactions between Muslims and non-Muslims, including conflicts between them and even among Muslims. California treats Islam as just one more hue in the multicultural rainbow. The country's educators would do better to follow the new, sensible, and critical path blazed by the Lone Star State, which is intelligently tackling the issues of Islamic fundamentalism and terrorism, than to continue the habits still prevalent in an intellectually as well as fiscally weakened California. ♦

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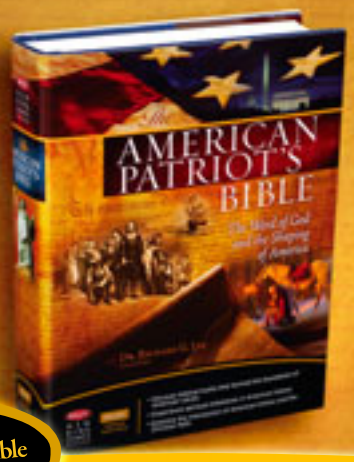

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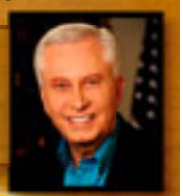

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Obama's Search for Peace in Our Time

The West goes wobbly on Iran.

By Matthias Küntzel

On November 18, Iran's foreign minister Manouchehr Mottaki rejected a proposal that his country should export some 70 percent of its low-enriched uranium for further processing abroad. On November 20, the five permanent members of the U.N. Security Council plus Germany met in Brussels and urged Iran to reconsider. "I continue to hold out the prospect that they may decide to walk through this door," explained Barack Obama, though he noted at the same time, "Over the next several weeks, we will be developing a package of potential steps . . . that would indicate our seriousness to Iran." Russia's foreign ministry, as usual, contradicted him: "There is currently no discussion on working out additional sanctions against Iran."

So was this merely the latest manifestation of the same fruitless maneuvering that has gone on every year since the struggle over Iran's nuclear weapons began in 2003? Not at all. It was not the ploys of the Iranians that provoked astonishment at the most recent negotiations in Geneva and Vienna, but rather the attitude of the United States.

Whereas in the past Washington sought to increase pressure on Iran, and Europe stepped on the brakes, today it is Obama who is stepping on the brakes while France and Great Britain push for sanctions. Whereas George W. Bush denounced the Islamism of the Iranian regime, his successor attempts to ingratiate himself by offering compliments and apologies. Whereas before it was the Europeans who packaged their failures as successful "dialogue," now it is Washington that does so.

The date that marked the high point of the *old* American Iran policy was December 23, 2006. On that day, the Bush administration obtained a unanimous resolution from the U.N. Security Council calling on the mullahs to cease all uranium enrichment and plutonium projects without delay. At the same time, sanctions were placed on Iran in order to back up these demands. The sanctions prohibit other countries from engaging in nuclear trade with Iran. The material effect of these sanctions is limited. But their legal importance remains considerable. In Resolution 1737, the Security Council classified Iran's nuclear program as a threat to international peace. In the event that Tehran failed to comply, the resolution for the first time threatened additional pressure under Article 41 of Chapter VII of the U.N. Charter. Article 41 lists nonmilitary measures that may be taken to enforce compliance with U.N. resolutions, including the complete or partial cessation of economic and political relations, the severing of all transport connections, and the interruption of postal, telegraphic, and other means of communication.

The date marking the arrival of the *new* American Iran policy is September 11, 2009. On that day, the Obama administration agreed to talks with Iran in which neither Iran's uranium enrichment activities nor its newly discovered and hitherto secret facility in Qom would be on the agenda. The talks would take place under conditions dictated exclusively by Tehran. This fact alone was tantamount to a form of defiance of U.N. Security Council resolutions.

The uranium enrichment facility being constructed in Qom is hidden deep under a mountain. It is designed for military purposes, and the Iranian ministry of defense is in charge of it. So it is all the more puzzling that the "5+1" powers (Britain, China, France, Russia, and the United States plus Germany) have thus far refrained from referring the matter to the Security Council. It is even stranger that none of the powers has yet called for work on the facility to be stopped. Instead, they are valiantly demanding that the Iranian regime do what it in any case offered to do following the discovery of the facility: namely, submit it to inspections by the International Atomic Energy Agency (IAEA). In this regard as well, the very purpose of Resolution 1737 is being foiled.

Obama, moreover, appears to have no problem offering Iran assistance for precisely those uranium enrichment

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activities that, per the decision of the international community, are supposed to be suspended. The context for Obama's offer is provided by a small research reactor at the University of Tehran that runs on 19.75 percent enriched uranium. Once uranium has been enriched to 20 percent, it is considered weaponizable.

In June 2009, Iran's government addressed a request to the IAEA. With the help of the IAEA, the Iranians wanted to import enriched uranium in order allegedly to refuel the research reactor. Of course, the Vienna-based agency could not agree to the request, given that the Security Council had prohibited the shipment of any and all nuclear material to Iran. From a legal perspective, the situation was and is clear: Only once Iran no longer represents a threat to international peace—only once it has suspended its uranium enrichment activities—can it again benefit from the assistance of other countries in the nuclear domain.

It is as if these legal facts simply did not exist for Obama. He is seeking a successful agreement with the Iranian regime and appears to consider its request for more enriched uranium a good opportunity. The deal that the Obama administration has proposed is as follows. The United States and its "5+1" partners implicitly recognize the legitimacy of Iran's uranium enrichment. They guarantee that Iran will receive the nearly 20 percent enriched uranium for its research reactor. In return, Iran has to part with some 1.2 tons of its now low-enriched uranium, since the more highly enriched uranium is supposed to be produced in Russia from precisely these stocks.

Tehran would have little to lose in agreeing to this deal. As the White House admits, the mullahs would be able to replace the 1.2 tons of low-enriched uranium in less than a year through Iran's own production. Nonetheless, the Obama administration defends the deal, maintaining that the export of the low-enriched uranium would delay Iran's progress toward the bomb. More time would be gained for negotiations, and, in particular, Israel could be held back from undertaking military strikes for another year. There is indeed a tactical advantage to be gained from such a delay. But it is more than offset by the strategic loss of the ability to pressure Iran to suspend its enrichment activities.

Up until September 2009, one could have the impression that Obama wanted to use patient diplomacy in order to convince the international community of the inevitability of massive sanctions. He appears now to have let the Islamist regime have its way on the decisive issue: the production of enriched uranium. Instead, of focusing on this issue, the Obama administration seems to focus now on secondary matters that actually presuppose that Iran's enrichment facilities will be active, such as tighter monitoring of the facilities and of the export and import of uranium.

Why is America easing the pressure on the despotic and crisis-ridden Iranian regime? Or, as the *Jerusalem Post* put it in a November 1 headline, "Why does the U.S. insist on playing Iran's game?"

A partial answer is provided by a look back at the European and German obstructionism that has prevented effective sanctions against Iran for many years. Already in the 1990s, Germany foiled American attempts to use economic pressure to dissuade Iran from pursuing its nuclear projects. Hossein Mousavian was then the Iranian ambassador to Berlin. In his memoirs, Mousavian writes that "Iranian decision-makers were well aware of Germany's significant role in breaking the economic chains with which the United States had surrounded Iran." Tehran, according to Mousavian, "viewed its dialogue and relations with Germany as an important means toward the circumvention of the anti-Iranian policies of the United States."

Iranian clerics observing an air defense war game last week.

ALI SHAIGAN / FARS NEWS AGNECY / AP PHOTO

In 2003, it became known that Tehran had been running a secret nuclear program for some 18 years and had thus violated the terms of the Nuclear Non-Proliferation Treaty. The United States pressed for the referral of the matter to the Security Council. Under the IAEA statute, the Iranian violation had indeed to be taken up by the U.N. Security Council by November 2003 at the latest. But

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Germany, France, and Great Britain delayed the referral until March 2006: 28 months that the Iranian regime used to rapidly develop its nuclear facilities. In September 2004, the German foreign minister Joschka Fischer captured the nature of the European assistance in a revealing remark. "We Europeans," he said, "have always advised our Iranian partners that it is in their considered self-interest to regard us as a protective shield."

Nonetheless, in December 2006, American diplomacy achieved its important success with the unanimous passage of Resolution 1737 by the Security Council. At this point, however, America's German ally again "ran from the flag," as the Washington correspondent of Germany's leading daily, the *Frankfurter Allgemeine Zeitung*, put it. The Security Council had given the mullahs a deadline to comply with its demands. In February 2007, the deadline passed. Iran didn't budge. Everything depended on how the "5+1" would react to its intransigence. Would they back off, thus undermining the credibility of the U.N.? Or would they do what the U.N. Charter requires in such cases: continually tighten the sanctions until Tehran was forced to change its behavior? It was then that the German government broke ranks with France, Great Britain, and America in order to join Russia and China in preventing tougher sanctions. The "fateful friendship" between Germany and Iran again won out over the alliance with Washington.

The many years of obstructionism appear to have taken their toll and contributed to Washington's abandonment of its earlier determination to bring the Iranian nuclear program to a halt. But this alone is not sufficient to explain the conciliatory turn of the Obama administration's Iran policy.

Obviously, the new American president would like to be better loved by the global public than his predecessors. Obama sees himself as the anti-Bush. He personifies the attempt to placate anti-Americanism through concessions to America's enemies. He does not want to disappoint the hopes for peace that he repeatedly raises in his speeches and that won him his hollow Nobel Prize. Since Tehran will not change, he prefers to change his view of the Iranian regime. "This is not about singling out Iran," Obama insisted after the negotiations in Geneva. "This is not about creating double standards." The president sounded as if he were trying to convince himself and convince the world that the mullahs' regime is a government like any other.

The West is not deterring the mullahs. Instead, the mere prospect of their nuclear capability is deterring the West. Ahmadinejad and his friends sense their chance. They are putting pressure on the democratic nations to drop Israel in exchange for a tempering of Tehran's hostility. They are using the entire repertoire of intimidation, ridicule, and insult in an attempt to transform the Jewish state into what the Czech Sudetenland was for France and Great Britain in 1938: the price to be paid for "peace in our time."

Similar mechanisms led British prime minister Neville Chamberlain to acquiesce to the Munich Accord that ceded the Sudetenland to Nazi Germany. Chamberlain felt the pressure of the memory of the First World War, while today the memory of the (far less costly) Iraq war weighs on Obama. Chamberlain was well aware of the pacifist mood in Europe that would gain expression in the euphoric celebrations after the signing of the agreement. Of course, Chamberlain wanted to prevent a war. But his policy resulted in the opposite of what it aimed to accomplish. Obama does not want war either. But it is to war that his present approach is leading.

There is only one thing that can prevent the building of the Iranian bomb: the shutting down or destruction of the facilities that are producing the nuclear materials for it.

Whereas Chamberlain's policy led to a conventional war, the current policy of the Obama administration is conjuring up the threat of a nuclear war. Nobody can be sure that a nuclear-armed Iran will allow itself to be disarmed and deprived of its power without using its nuclear weapons. In that case, the world may be faced with the choice of either submitting to Islamism or defeating it—albeit at an unimaginable price.

The Nuclear Non-Proliferation Treaty provides no protection against such a scenario. In the first place, the treaty allows the parties to it to obtain the components for nuclear weapons while being monitored by the IAEA. Second, the inspections regime established by the treaty depends upon the good will of the monitored states. This good will is lacking in the case of Iran. Third, the treaty contains a clause that permits state parties legally to withdraw from it. Neither the tightening of IAEA inspections—which the Iranian regime can unilaterally renounce whenever it wants—nor Obama's assistance plan provides any form of assurance.

There is only one thing that can prevent the building of the Iranian bomb: the shutting down or destruction of the facilities that are producing the nuclear materials for it. But this will only be possible if the American administration revises its present course. ♦

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Tintin and Snowy at the Pompidou Center, 2006

ASSOCIATED PRESS / JACQUES BRINON

The Marvelous Boy

A way of looking at Tintin

BY CHARLES TRUEHEART

The comic-book hero of my youth, Tintin, will soon become accessible to a new generation of moviegoers. The directors Steven Spielberg and Peter Jackson, who discovered their mutual passion for Tintin, are collaborating on a series of animated adventure films for Dreamworks, the first of which will appear next year.

While I fear this well-financed new imagining of Tintin will smother my own lifelong construct, or deprive others of figuring him out for themselves through the *ur*-texts, I can't help but be cheered by the staying power of this peculiar character, who's been around for 80 years and long ago transcended his Belgian roots to become nearly as familiar as Mickey Mouse. So it is very handy, if a potential buzzkill, that the Stanford scholar Jean-Marie Apostolidès has written a book explaining in some detail why this might be.

Charles Trueheart is director of the American Library in Paris.

The Metamorphoses of Tintin
Or Tintin for Adults
by Jean-Marie Apostolidès
Translated by Jocelyn Hoy
Stanford, 312 pp., $24.95

As contemporary heroes go, Tintin is not an easy sell. Only animation could do him justice, in fact. He is a kind of Aryan alien, bubble-headed but featureless beyond dots for eyes and an odd twist of reddish hair. He wears old-fashioned golf pants. He travels in the company of a white girly-dog named, in the English version, Snowy. He has no parents, no surname, no history, no personality other than goodness and pluck. Tintin is, or was in the early books, a free-range journalist, though he never seems to report or write or publish anything. Trouble finds him with regularity, and always regrets it.

Tintin's constant companion is nearly as well known as he. The bibulous, anger-prone sea captain Archibald Haddock is all edges to Tintin's none; it is their unlikely bromance that stirs Apostolidès's juices, and perhaps Spielberg's and Jackson's too. Tintin and Haddock are often joined on their adventures by the half-deaf physicist Cuthbert Calculus, the large-bosomed diva (and

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sole female in the Tintin universe) Bianca Castafiore, and a pair of identical idiot policemen named Thompson and Thomson. (I use the inferior English names invented by the very British translators of the French originals, beginning in the late 1950s.)

Tintin was born in 1929 at the pen of a 21-year-old Belgian artist named Georges Remi, who reversed his initials and pronounced them Hergé, his *nom de plume*. Originally published in weekly Brussels newspaper supplements, and later in eponymous hardcover albums, these stories went on to find audiences in dozens of languages and more than 200 million albums.

The interest generated by the museum opening and the forthcoming animated movie fueled this new edition of Apostolidès's book, a classic text in the field of Tintinology and part of the industry of enchantment-spoiling inspired by Bruno Bettelheim. First published in French 25 years ago, *The Metamorphoses of Tintin* is now being issued in a rather lifeless, yet still welcome, English translation.

As the subtitle says, the book is for adults, and far preferably adults who are deeply familiar with Tintin and his friends. Apostolidès treats the Tintin stories as allegories; he palpates them for meaning and inspiration; he interprets them as one would dreams. The tools of the critical trade so much in fashion at original publication are much in evidence. To put it another way, *The Metamorphoses of Tintin* appreciates Hergé's *oeuvre* in ways that almost certainly never occurred to him, let alone to you or to me.

Hergé, 1975

JACQUES PAVLOVSKY / SYGMA / CORBIS

With a few exceptions the Tintin stories are set in exotic places where their creator had never been: the Soviet Union, the Congo, the United States, the Balkans, the Arabian Peninsula, the high seas, China, Tibet, South America, the moon. They were full of political intrigue and financial shenanigans and adult eccentricity, and in their own way bespoke the real world to several generations of young Francophone children.

Hergé through Tintin became the father of what Europeans call *bande dessinée*, or BD. There's a fine BD museum in Brussels, and this year, in recognition of the most prominent such artist of the century, and the second most-translated Belgian author after Simenon, an Hergé museum.

In the first seven albums, published before World War II, Snowy was Tintin's only foil—Sancho Panza to his Don Quixote. "The master remains a model for the dog without ceasing to be his opposite," writes Apostolidès. "Tintin is brave, while Snowy is fearful; the former is a pacifist, but the latter is always looking to pick a fight. . . . Tintin is prudence itself, while Snowy acts without thinking about the consequences." And so forth.

Hergé obviously found limitations on the complexity Snowy could incarnate. Thus Haddock arrives on the scene, in "The Crab with the Golden Claws," in outrageous contrast to the polite and pious cipher of Tintin. For Apostolidès Haddock is "above all a mouth. . . . The captain's relation to the external world is lived in the oral mode, passionately and voluptuously"—swearing, smoking, drinking. (How will Hollywood handle this?)

Haddock favors whiskey, but judging by the books, Hergé had a fondness for champagne. Apostolidès believes the recurrence of champagne in these tales is "an unconscious equivalent of having sex . . . the oblong shape of the bottle's neck and the foamy froth that suddenly spills out," etc. He reminds us, too, of an earlier episode involving champagne and "latent homosexual desire" between Tintin and *Snowy*. Blistering barnacles!

Tintin was introduced to young Belgian readers in the pages of *Le Petit Vingtième*, a youth supplement to a Roman Catholic newspaper of rightist tendencies. Hergé had made of Tintin a commercial success in France and Belgium by the time Germany occupied both countries in 1940. Without much soul-searching, apparently, the artist kept his head down during the Nazi occupation and continued to publish Tintin in the semi-official daily *Le Soir*.

Apostolidès indicates rather subtly how, in this period, Hergé carefully moved Tintin away from his prior engagement with global trouble spots—the Anschluss-inspired "King Ottokar's Sceptre" (1939), for example—to a more detached realm of fantasy. Interestingly, it is a pair of these wartime albums—"The Secret of the Unicorn" and "The Crab with the Golden Claws," involving pirates, sunken treasure, and Haddock's swashbuckling seafarer ancestor—that Dreamworks will transform for the first Tintin movie.

Hergé was arrested at the end of the war in the Belgian *épuration*, but never charged with anti-Semitism. Within two years he had been rehabilitated and bankrolled, and Tintin was re-launched in a publication the author controlled. But his wartime opportunism haunted him ever after. He went back and

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purified his earlier books, deleting racist pidgin and paternalistic Belgocentrism, changing names too obviously caricatural, and suppressing altogether the first tale, "Tintin in the Land of the Soviets," because of its rude anti-communism. (It also wasn't any good.)

As Apostolidès helps us to understand, "Tintin au Tibet" (1960) was the apotheosis of Hergé's quest for redemption and the culmination of his humanist reprogramming. Tintin goes to the Himalayas to rescue a young Chinese boy, Chang, whom he had befriended in the prewar "Blue Lotus." Chang was based on a Chinese artist of the same name whom Hergé knew in Brussels and who introduced him to Chinese art and to a more sophisticated reading of Chinese culture and society.

Apostolidès on the Tibet adventure:

> Regressing from the oedipal stage of the bastard to that of the foundling, Chang finds himself confronted with origin fantasies, engulfed by an all-powerful immaculate nature, always virginal because no one can master her. . . . To save his twin, Tintin takes a similar route back to his former self.

While there is much here to make one stare upwards in disbelief, it helps to remember that this book is also—like Tintin, in a way—a period piece. In a too brief preface to the new English edition, the author acknowledges that his use of scholarly and psychoanalytic language was less familiar to readers in 1984, and thus today

> the vocabulary might seem heavy or outdated. If that is the case, I ask your pardon. However, in a study I intended to be entertaining, I was still very much concerned with showing that a domain typically consigned to children is indeed amenable to legitimate scholarly interests.

I can't disagree, but Apostolidès's interpretive faculties are a good deal more developed than his ludic ones. Given Hergé's genius for the human comedy and the systematic slapstick that lards Tintin's adventures, the author could have permitted himself—and given the rest of us—just a wee bit of zaniness. Surely Spielberg and Jackson get this. ♦

HULTON-DEUTSCH COLLECTION / CORBIS

B&A

Saga of Supermac

The less grand side of the Tory grandee.

BY GEOFFREY WHEATCROFT

Harold Macmillan at 90 (with Margaret Thatcher), 1984

In 1959, Evelyn Waugh published a biography of the priest and writer Monsignor Ronald Knox, his greatest friend among the clergy of the Roman Catholic Church they had both joined as young men. Knox was the son of a Church of England bishop who went to Eton and then Oxford, where he became a don and a clergyman and formed a coterie of young devotees whom he instructed in extreme Anglo-Catholic, or High Church, doctrines.

Harold Macmillan
by Charles Williams
Orion, 560 pp., $29.95

Then came the war in 1914 when all those young men joined up, and most of them were killed. Knox became a Catholic in 1917 and, like Newman, wrote an account of this spiritual journey. It mentions two young disciples by the initials "B" and "C." "B" was Guy Lawrence, who also became a Catholic, and was killed months before the Armistice, but "C" chose not to follow the others to Rome, and survived the war.

By still calling him "C" in his biography, Waugh tantalizingly excited interest in his identity, before that "prize shit" Malcolm Muggeridge (as Waugh called him in a letter to Sir Maurice Bowra) made an inspired guess, bluffed the truth out of Waugh's aged mother-in-law, and published it: "C" was none other than Harold Macmillan, a Balliol undergraduate before the Great War, then a subaltern in the Grenadier Guards—and by 1959 prime minister. This was a scoop by any standards. Was it also the key to Macmillan's life?

As Charles Williams tells us in this informative biography, the story begins on the isle of Arran off the western coast of Scotland where the Macmillans were simple crofters. They moved to Ayrshire (and to English rather than Gaelic) before Daniel Macmillan went to London to seek his fortune in 1833.

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He found it as a bookseller, and then, at a time when the two trades overlapped, as a publisher, married respectably, and begot Maurice, who did well at Cambridge, joined the Church of England, went into the family business, and married Nellie Belles Hill from Spencer, Indiana. They had three sons; Maurice Harold Macmillan was born in 1894.

All of this was later relished by Harold Macmillan: the humble crofting forebears; the American mother, of whom he, like Churchill with his own mother from New York, made much when addressing Congress; the family firm of Macmillan & Co. which had become one of the most illustrious publishing houses in London. He went to Eton and then to Oxford, having been coached by Knox, who also introduced him to his exotic religion—to Mrs. Macmillan's horror. A snob as well as a prude, she pulled strings to get Harold commissioned in the Grenadiers when war came.

Even now the story of those next years is almost intolerably poignant. The Western Front devoured a generation, leaving behind emotionally as well as physically scarred survivors. Macmillan was severely wounded and could never use his right hand again with ease. His life changed again dramatically when he was appointed aide-de-camp to the governor-general of Canada, the duke of Devonshire, and married his daughter Lady Dorothy Cavendish, to complete the rapid upward ascent.

But a bad fairy was present at St. Margaret's, Westminster, when the two wed in the presence of a past queen of England and a future king. While Macmillan worked in the family firm, looking after authors as eminent as Hardy, Kipling, and Yeats, and was then elected to Parliament in 1924, the marriage was always uneasy. In later years Macmillan became a worldly-wise raconteur, a cabaret turn I witnessed in Clubland and in Oxford common rooms, and he ended his days as something like the dowager duke of Devonshire. And yet as a young man he was thought a crashing bore, not least by his Cavendish in-laws, who saw him as an unprepossessing middle-class outsider: Dorothy's sisters competed not to sit next to him at dinner.

Much worse, Dorothy fell deeply in love, and with the appalling Robert Boothby, also an MP but more to the point a bisexual scoundrel and charlatan. Their liaison lasted for decades. "No one knew," inasmuch as it was never mentioned in print in those days, but "everyone" knew at Westminster and in Society. Three of Dorothy's children were possibly Macmillan's, but one was probably Boothby's, or so Sarah thought: She was "the most famous bastard in England," she said bitterly. This private humiliation unquestionably affected Macmillan's public life, making him both more ambitious and more ruthless in compensation.

Macmillan, Eisenhower, De Gaulle, Adenauer, Paris 1959

BETTMANN / CORBIS

In the 1930s he became prominent among a group of progressive Tories opposed to appeasement and in favor of industrial conciliation, or *The Middle Way.* This was the title of his long and exhausting 1938 book much influenced by one of his authors, J.M. Keynes, and bearing the unalluring subtitle "A Study of the Problem of Economic and Social Progress in a Free and Democratic Society."

Although this new biography of Macmillan by Lord Williams of Elvel—the author is a sometime banker and a minor political player himself—is based on thorough research and contains much of interest, it has its own uninviting passages. Or at least, the author's invention occasionally flags, with sentences like "One thing, of course, led to another. . . . The outbreak of the Second Word War was, of course, a momentous event. . . . The years, as they do, moved ineluctably on."

Then again, that may be appropriate to the subject, whose colleagues often found him tedious, though also devious. This quality began to manifest itself during the second war, when Macmillan entered government at last, in minor posts before he had his real break as British minister in Algiers after the Torch landings in 1942. He remained a British plenipotentiary in the Mediterranean theater until the end of the war. These years are in some ways the most interesting part of the book, showing how divided and indecisive the Allies often were. The unexpected hero is Charles de Gaulle, cantankerous, obstinate, playing the weakest possible hand with consummate skill.

At the end of the war came the blackest moment in Macmillan's career, when he was complicit in the decision to send scores of thousands of men who had fought for the Germans back to Russia and Yugoslavia against their will, along with their women and children. It was not a simple question. Some of these "Cossacks" and Croats had participated in terrible war crimes. But many of them were merely anti-Communist, and indeed plenty of those "repatriated" into Stalin's hands were by no possible measure Soviet citizens. Macmillan knew very well, and said that "to hand them over to the Russians is condemning them to slavery, torture, and probably death," but handed over they were by force and fraud, to the horror of the British soldiers ordered to do so. As Lord Williams says, the episode was "dreadful—and shameful," and Macmillan was unforgivably callous, a brutality made no better by his saying toward the end of his life that the Cossacks were "practically savages."

After losing his seat in the 1945

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Labour landslide, Macmillan found another, and returned to government with Churchill in 1951, given at first what he thought an insultingly unimportant post. It didn't help that Mrs. Churchill disliked him, but then so did others. He climbed through the ranks and became foreign secretary when Anthony Eden at last succeeded Churchill. Then came the Suez escapade in 1956, when Macmillan was at his slippery worst: "First in, first out," in the lethal jibe of Harold Wilson, later the Labour prime minister, meaning that he had been gung-ho for action but then lost his nerve and called for a halt. Lord Williams shows in devastating detail that Macmillan's subsequent accounts of the affair were grossly mendacious.

One consequence of Suez was the departure of poor Eden and his succession in dubious circumstances by Macmillan. His premiership seems almost an anticlimax, and although it lasted from 1957 to 1963, it cannot be accounted much of a success. The country became more prosperous, and Macmillan won the 1959 election, but structural economic and industrial problems were ignored, and foreign policy was all over the place, with Macmillan's belated bid to join what was then the Common Market brutally snubbed by—now President—de Gaulle. And Macmillan's dealings with Washington were even more of a mess.

He it was who coined the idea that the English were "Greeks to their Romans." The Americans were "great big, vulgar, bustling people," as he patronizingly put it, who must be guided as the Roman emperors had been by learned advisers (overlooking the inconvenient fact that those sophisticated Greek mentors in Rome were, in fact, slaves). Before John F. Kennedy became president, Macmillan had never met him, although they had a family connection: JFK's sister Kathleen had married Lord Hartington, Dorothy's nephew (not Macmillan's brother-in-law, as Lord Williams says), shortly before he was killed in action in 1944.

Now Macmillan tried to befriend the younger man in an avuncular or Greek way, but to no political effect at all. It is chastening to be reminded that during the Cuban missile crisis in 1962, the White House did not so much inform London of events, let alone ask those "Greeks" for any advice; not when Air Force Boeings were circling the Arctic with hydrogen bombs on the second level of alert below war; not when Robert Kennedy cut a secret deal with the Russians on his brother's behalf by agreeing to withdraw missiles from Turkey. Lord Williams puts this very well: Like other prime ministers before and since, Macmillan persuaded himself that there was some mystical bond between the

KATHERINE EASTLAND

two countries, quite failing to see that "the United States, like all great powers, would in the end follow—without necessarily much regard for others—what it perceived from time to time to be its own interests."

That led on to the disastrous last year of Macmillan's prime ministership, beset by scandal, mocked by satirists, and with all authority draining away, before he disgracefully fixed his succession in favor of Lord Home in the lurid conspiracy of October 1963. All in all, Macmillan does not emerge well or attractively from this thoughtful book, more than something of a political as well as social sham, and with a spiteful, vindictive streak beneath the feigned geniality.

In old age he made much fun of Margaret Thatcher, by any standards a more remarkable prime minister than he had been. She was famously philosemitic, and there were several prominent Jewish ministers in her cabinets. In 1919, Macmillan had written to a friend about Lloyd George, "Our nasty little Prime Minister is not really popular any more, except with the International Jew"; in the 1980s he said that, whereas Tory Cabinets had once been full of Old Etonians, now they were "full of Old Estonians," which caused much mirth in some circles.

But even if it's hard to like or admire Macmillan, one may almost feel sorry for him. Along with his miserable marriage, he was a most unsuccessful father (like Churchill in this respect). His offspring all took to drink, and then worse: His grandson died of a drug overdose while at Oxford. Saddest of all was Sarah's story. She had more than one breakdown before finding a boyfriend, whom she was due to marry when he was taken severely ill. The wedding was postponed, but Sarah learned she was pregnant. Years before, a failed marriage had been kept going to protect Macmillan's career. Now Dorothy told her daughter to get rid of the baby for the same reason, but the illegal abortion was botched, and Sarah could never afterwards have children. She died at only 39, in a drunken accident.

After Muggeridge's scoop, Waugh denied that he had wanted to protect Macmillan, but he still felt private distate for him. A half-American prime minister "cannot be judged by English standards," he sarcastically told Anne Fleming, and he recalled meeting Macmillan in Naples in 1944, when he had heartlessly spoken of abandoning Christian Eastern Europe to Stalin as one problem out of the way. Since then Macmillan had "grown a carapace of cynicism," Waugh thought. Had he become a Catholic as he should, "he would not be prime minister nor married to a Cavendish but he would have been a happy and virtuous publisher." A partisan view, but it might have been not far from the truth. ♦

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B&A

The Holy Seers

Two churchmen—one Polish, one German—transform the throne of Peter. **BY RYAN T. ANDERSON**

In *The Modern Papacy*, Samuel Gregg offers a quick intellectual history of the key moments in post-Reformation Roman Catholicism before launching an in-depth study of the thought of the most recent pontiffs—Karol Wojtyla-John Paul II and Joseph Ratzinger-Benedict XVI. This volume is published under Continuum's Major Conservative and Libertarian Thinkers series, and Gregg is an international expert on the intersection of religion and economics. Yet the text is almost exclusively focused on a seemingly abstract philosophical question: the proper relation of faith and reason.

The Modern Papacy
by Samuel Gregg
Continuum, 162 pp., $130

The question might seem abstract, but it flows directly out of Wojtyla's and Ratzinger's lives. Coming of age during the Second World War, both entered seminary (Wojtyla underground) during this time, and both came to see the crises of the 20th century—world wars, totalitarian regimes, genocides, and labor camps—as results of an atrophied rationality and man's closing himself from the transcendent. They concluded with the French theologian Henri de Lubac that "atheistic humanism," in its attempts to liberate man by abolishing God, resulted solely in chaining man to the whims of the powerful.

Wojtyla, trained as a philosopher, embraced Thomism, the mystical theology of John of the Cross, and the phenomenology of Edmund Husserl and Max Scheler. Ratzinger, trained as a theologian, found the Thomism of the manuals to be dry and impersonal, and was drawn instead to the historical theology of Augustine and Bonaventure with its emphasis on love. Both played major roles at the Second Vatican Council.

The roles they played after the council, interpreting and implementing its teachings, proved even more important. Wojtyla, becoming pope in 1978, and Ratzinger, serving as his most important collaborator as prefect of the Congregation for the Doctrine of the Faith before assuming the papacy in 2005, set out on a path of bringing the Church into the modern world by drawing more deeply from the wells of the Church's patrimony (*ressourcement*) to critically engage contemporary life (*aggiornamento*).

John Paul and Ratzinger wanted the Church to benefit from the advancements of modernity, but also wanted this modern world to benefit from the wisdom of the Church. It was to be a two-way conversation, and they had little patience for those who proposed either the progressive or traditionalist monologue—the world setting the agenda for the Church with the Church remaking herself accordingly, or the Church imposing herself on a modern world without reading the signs of the times to discern what of modernity was good and what was bad. This critical engagement entailed speaking to the modern world in terms it could understand and on topics that lay at the heart of contemporary life. Human freedom, its social preconditions and metaphysical foundations, took center stage.

Gregg presents John Paul and Benedict as more or less united in the main trajectory of their dialogue with modernity. For ease in classification, this can be grouped in four domains: science, reason, faith, and revelation. While the scientific method has provided mankind with many indisputably helpful discoveries, the modern papacy argues that to embrace the instrumental, technocratic rationality at the heart of the scientific process as if it were the entirety of rationality is to narrow the range of realities accessible to rational inquiry. While the scientific approach can discover truths about empirical physical realities, it can provide little help in discussions of justice, love, and beauty—whether they be about earthly domains or transcendent ones. Only by broadening the conception of rationality beyond the empirically verifiable realm of the scientific, John Paul and Benedict argue, can man arrive at the truths necessary to secure his full flourishing. In other words, man needs to embrace science without embracing scientism.

Recovering the sapiential dimension of reason that considers the big questions regarding the meaning and destiny of human existence and the significance of human action is a key part of recapturing a more robust conception of human rationality. As Gregg presents John Paul and Benedict, a major aspect of their engagement with modernity has been to show that reason can discern objective standards of right and wrong, good and evil, as well as ascertain the existence of God and certain key aspects of his nature.

Most important of all is to see, with Benedict, that "at the beginning of all things stands the creative power of reason." Gregg explains that, in Benedict's view, "agnosticism and atheism ultimately rely upon a rational affirmation that all is ultimately based upon irrationality." But even while defending reason's lofty vocation, John Paul and Benedict stress that being rational isn't enough, for rationality itself points to the existence of truths that reason alone cannot grasp, truths that can only be known through God's revelation, accepted by faith. In other words, man needs to embrace reason without embracing rationalism.

When reason concludes that there are truths about God and the universe that reason itself cannot ascertain, that man's

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finite reason cannot exhaust the infinite, this could open the door to legitimizing faith in anything—and everything. Gregg is careful to point out that the modern papacy's engagement with modernity is just as critical of theistic thinkers who attempt to ground faith's legitimacy in what amounts to little more than blind leaps.

In the media circus surrounding Benedict's Regensburg address, few commentators took the time to note that the main thrust of his remarks was criticism of European, not Islamic, thought. Criticizing those rationalists who castrated reason's true scope, Benedict also challenged Christians to recover the traditions of philosophical theology, to reject the voluntarism that detached God from the rational order, and to see God as *Logos*. Our understanding of God must be informed as much by our reason as by our acceptance of God's communication by way of Scripture, and this acceptance of revelation itself must be made for good reason, pointing to the reasonableness of the act of faith. In other words, man needs to embrace faith without embracing fideism.

Although knowledge of God's inner Trinitarian life, the Kingdom of Heaven, and the Communion of Saints can be known only through the revealed texts of the Bible, Gregg argues that the modern papacy is clear that these biblical truths can be fully grasped only if the Bible is read intelligently, in light of the philosophical truths that grace builds upon, and in a reasonable, integrated manner consistent with the entirety of the biblical canon. As Gregg explains, "In the absence of reason, believers are more susceptible to fanaticism and terrorism, precisely because God becomes for them an idol when they are in fact simply worshiping their own will." In other words, man needs to embrace the Bible without embracing Biblicism.

The modern papacy cares about getting the relationship of science, reason, faith, and the Bible right because it sees itself as ultimately articulating nothing less than the truth about man and God. And it is this truth, John Paul and Benedict insist, that sets man free. So much of the Enlightenment's political efforts were directed at securing man's liberty, and yet the 20th-century results yielded more bondage than ever. The gamble was on supposing that a "Dictatorship of Relativism" (as Ratzinger put it) provided a more secure ground for human liberty than the "Splendor of Truth" (as John Paul put it). Only if man is capable of knowing truth—including moral and spiritual truths—can he be capable of freely directing himself toward ends freely chosen, away from evil and toward goods that are to be pursued. If man is ultimately the measure of all things, if man purports to *create* good and bad, right and wrong, rather than *discern* these naturally existing realities and respond accordingly, then what at first seemed like unlimited freedom results in stultifying nihilism. If whatever I decide upon is good, then the significance of the choice is eviscerated.

Joseph Cardinal Ratzinger, Pope John Paul II, ca. 1985

NEWSCOM

Freedom untethered to truth in the political realm truly does lead to dictatorship, either of the despot who gains power through force or of the majority that imposes its will on a minority without justifying reason. For if reason is unable to arrive at truth, what does a political community have remaining to appeal to when organizing common life? Those who ground democracy on relativism, then, undercut the very foundations that support democratic institutions in the first place: a proper concern for the authentic good of each member of the community and a respect for each member's ability to participate in this process of discernment. Gregg notes that rights, as a result, become "increasingly justified by reference to majority opinion and defined by the will of the stronger or according to some utilitarian calculus," not by appeals to nature or nature's God.

Given that *The Modern Papacy* appears in a series on conservative and libertarian thinkers, I would have liked to see more on recent Catholic social thought, particularly John Paul's encyclical letter *Centesimus Annus*. Likewise, discussions of the papacy's liberal moments—in international relations, war and peace, environmentalism, welfare rights—would have improved the text. But I wish Gregg had gone one level deeper into the faith and reason discussion: For John Paul and Benedict, what does faith add to reason when it comes to political life? Gregg is clear that, for both thinkers, religious faith can correct faulty reasoning, motivate citizens to practice the virtues, and provide ultimate explanations for reason's existence and why it should be obeyed.

But here I think John Paul and Benedict might part company. There is a strain within Benedict's thought in which philosophy simply cannot provide its own foundations and must be buttressed by theology, so that faith becomes indispensible for the right ordering of political life just as much as for entry into eternal life. John Paul, meanwhile, seems to have had greater confidence in reason's sufficiency—for the tasks appropriate to it, including ordering temporal affairs—based on its self-evident first principles. Though both thinkers affirmed the existence of the natural law, I would have liked to have seen more from Gregg on how they understood its foundations.

Quibbles aside, *The Modern Papacy* is a significant contribution to the study of John Paul and Benedict's thought. Many might ask what the papacy has to offer: As Samuel Gregg lucidly presents, the papacy is wrestling with the most fundamental questions of Western—and any—society, and the Catholic challenge to modernity is to embrace faithful reason and reasonable faith. ♦

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B&A

Citizen Hirst

You'll be shocked to learn that the world's wealthiest artist can't draw. **BY HENRIK BERING**

Damien Hirst on display, October 2009

Damien Hirst is the world's most successful artist, a global brand known for its shock value. In the 1990s he emerged as the front figure of the Young British Artists, a group that included Tracey Emin, who exhibited her own slightly soiled bed, and the Chapman brothers, who created a toy soldier concentration camp. As the high priest of the movement, Hirst became the chief proponent of concept art—that is, the view that in art the idea is all that matters, while the execution is something mechanical best left to others. Technical skills and craftsmanship in the artist are regarded as irrelevant, even suspect, and when these terms occur, they are invariably prefaced with the word "mere."

Inspired by Andy Warhol's factory system, Hirst has built a business empire employing an army of 120 assistants carrying out his ideas, some serving in the pickling division (pickling sharks, cows, and sheep), others in the laundry division (in charge of dryers and spinners for his spin paintings), or in the medical division (polishing and arranging pills in his medical cupboards). To this one can add a crack sales team peddling the products.

In a 2001 interview book, *On the Way to Work*, Hirst contemplates an installation to be called *The History of Fame*, featuring a white inflated balloon suspended on a jet of air above several dozen fiercely sharpened Sabatier knives. *The History of Fame* would have an audience soundtrack—rumbles of anticipation and applause when the ball dropped close to the knives and appeared to be in danger of bursting; groans of disappointment when it floated clear of the daggers and the carvers waiting to go to work.

Damien Hirst
No Love Lost, Blue Paintings
The Wallace Collection
October 14, 2009 - January 24, 2010
Hertford House, London

Now, Hirst's own balloon seems to have hit the knives. The occasion is his London exhibition of 25 artworks. Produced in a studio at Claridge's during 2006-08, the paintings feature some well-known Hirst motifs: skulls, ashtrays, shark jaws.

It is not the subject matter that is shocking: Hirst's obsession with death and decay is longstanding and includes early works like a calf's head infested with maggots which turn into flies that are zapped by an electric insect grill, not to mention his arrangement of rotting, copulating cattle, a work that was banned by health authorites in New York. On this background, a skull is small beer. No, what is shocking is that he has tried to *paint* his subjects, in the process revealing himself to be utterly bereft of talent. The London critics were at their most magnificently sulfurous, and they were unanimous. The *Times* called the works "dreadful" and "shockingly bad." Panning the artist's "turgid teen angst," the *Independent*'s Tom Lubbock wrote, "There are many painters you'd find in evening classes much worse than Hirst. On the other hand, you'd find quite a few better. To try and be accurate, as a painter, Hirst is about at the level of a not very promising first year student. He is in his mid-forties."

His skulls look "like the confectionery skulls children gobble in Mexico on the Day of the Dead," chimed in the *Observer*'s Peter Conrad. "Despite the rowdy bravado with which he jokes about mortality and welcomes the Apocalypse, he has the small soul of an interior decorator." Even the *Guardian*, which normally considers itself extremely progressive, called them "a memento mori for a reputation."

Hirst certainly tempted fate by his choice of venue, the Wallace Collection in Hertford House, which contains works by Rembrandt, Titian, Rubens, Velázquez, and Fragonard, thereby inviting direct comparison. Out of his own pocket, he had shelled out £250,000 to have the ceiling gilded and the walls clad in candy-striped blue silk—made, as all the papers gleefully pointed out, by Prelle of Lyons, the firm that used to cater to the whims of Marie Antoinette.

"Bumptiously confronting Titian, Poussin, and other venerable elders at the Wallace Collection, Hirst is enjoying his temporary ownership of the trampled, desecrated earth. But he is not a legitimate heir and the Wallace

PETER MACDIARMID / GETTY IMAGES

Henrik Bering is a writer and critic.

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Collection is playing host to a jumped up pretender," snarled Conrad.

Just to emphasize: It is not Hirst running an art factory, in itself, that upsets the critics. Some of the old masters ran factories, too, letting assistants handle the routine aspects, only to step in and do the finishing touches themselves. A comparison with Rubens is particularly apt: Like Hirst, Rubens was a great businessman with a workshop employing 20 assistants. (A visitor paying a call at his studio in Antwerp in 1620 described the master bossing his apprentices around, all the while dictating a letter and listening to someone reading aloud passages from Tacitus.) The difference is that nobody for a moment doubted that Rubens was capable of handling all the tricky bits himself.

Actually, for those listening carefully, this critical sharpening of the knives has been going on for some time. Few doubted Hirst's business acumen last year when he sold 223 works at Sotheby's under the title *Beautiful Inside My Head Forever* for £111 million, thereby cutting out the middleman (the galleries) who normally take a 40 percent cut. But it was also suggested that the Western market was flooded and bored with Hirst, and that he had to look to the Middle East, Russia, and Asia to find prospective clients for the kind of bling art which, in the words of the *Times* critic, lately seemed inspired by "the gold fixtures in the Sultan of Brunei's bathroom." It was noted that many of the underbidders were his gallerists, artificially forcing the prices up.

When tackling past criticism Hirst has always employed smart, disarming press tactics, preempting criticism by cheerfully admitting that he steals with both arms and legs. This cheekie-chappie aspect is an important part of his act, openly mocking the lack of discernment in the very people who admire and buy his art. Of his Spin paintings he has stated, "They are bright and they are zany. But there is f— all there at the end of the day." Hirst collectors find this irresistible. In the present case, however, his prior admission that he doesn't think he has "the same abilities as someone like Rembrandt," or that his three sons paint better than he does, did not pull it off.

With the Wallace exhibition, the London critics agreed that we are witnessing a key moment in art history: Hirst has brought painting, long declared dead and buried, back as the only true art form, thereby rejecting everything he has stood for. As Jonathan Jones summed it up in his *Guardian* blog post:

> It is not just Hirst who is implicated in this exposure. It is an entire idea of art that triumphed in the 1990s and still dominates our culture—an entire age of the readymade stands accused by its own creator of being a charade. No critic has even come close to the total dismissal of 21st-century art implied by the Hirst turnabout.

By the very feebleness of this latest performance, Damien Hirst has underscored that skills and craftsmanship are still of critical importance. ♦

B&A

Simple Devices

Famished for good mysteries? Try an Amish thriller.

BY JOE QUEENAN

Like many whodunit fans, I made a fatal error at the outset of my reading career. I devoured Edgar Allan Poe, Sherlock Holmes, the Father Brown stories, the best of Agatha Christie, and scores of books featuring Georges Simenon's indefatigable Inspector Maigret. By the age of 30, I had polished off most of the masterpieces in the genre; as a result, I have spent my adult life working my way back down the slopes below the mountaintops, scavenging for material that is even vaguely comparable to the work of the titans.

Inevitably, my quest led me to such outstanding writers as P.D. James, Rex Stout, Dorothy Sayers, Ngaio Marsh, Ellery Queen (actually, two writers sharing one pen name), and more recently, Ruth Rendell and Michael Connelly. I have also enjoyed James Crumley, Tony Hillerman, George Pelecanos, Dennis Lehane, and James Lee Burke. Still, over the years, I wearied of murders taking place in bucolic Little Badminton, the satanic City of Angels, or the Bronx. For me, it was no longer enough for a mystery to be exciting; to work, it had to take place in some exotic, unfamiliar, or bizarre place.

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Initially, my fascination with mysteries set in foreign climes led me to Ian Rankin's Inspector Rebus series in Edinburgh, which led me to Val McDermid's "Tartan Noir" mysteries in northern England, which led me to assorted mysteries set in rural Ireland. But because these stories all took place in English-speaking countries, it reinforced the sensation that I had never really left home. Gradually, I meandered over to France (Fred Vargas), up to Amsterdam (Janwillem van de Wetering), and down to Italy (Michael Dibdin, Andrea Camilleri). Yet I did not truly feel that I was busting out of the cultural straitjacket until a bookseller in Philadelphia suggested that I take a crack at the Swedish novelist Henning Mankell. Mankell's rumpled, laconic, indomitable Kurt Wallander, a Nordic Maigret, is the star of nine outstanding mysteries. Mankell, almost singlehandedly, has triggered a Scandinavian mystery boom in this country.

Well, a boomlet.

So taken was I by Mankell's work that I branched out and tried Kjell Eriksson, Hakan Nesser, Ake Edwardson, and the superb Stieg Larsson, then backtracked to Mankell's compatriots Maj Sjowall and Per Wahloo (*The Laughing Policeman*), who made a big splash in the 1970s. Then I slipped

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across the border to Norway to read Karin Fossum, mistress of darkness. Inevitably, this led me to Iceland, site of eight novels by the gifted Arnaldur Indridason.

Yet once again, as soon as I had polished off the best writers in this genre, I began to tire of mysteries that took place in foreign countries. There was nothing special about Alicia Gimenez-Bartlett's police procedurals set in Barcelona; Patricia Hall's Yorkshire mysteries could have taken place anywhere. Cara Black's French thGooglrillers were neither particularly gripping nor particularly evocative of Paris, and she wasn't much of a writer. Alexander McCall Smith's good-natured *Ladies' Detective Agency* series weren't dark enough for me; only their Botswanan setting set them apart. The exotic thriller was starting to seem like a scam, a ploy to make a humdrum tale seem more compelling, when the only thing going for it was that it was set in some unusual place.

It was at this point that I stumbled upon P.L. Gaus's Ohio Amish Mystery series. Before I found them at my local library, I had no idea that such a genre existed. The Ohio Amish series are set in Holmes County, a heavily Amish community south of Cleveland. The central character is Michael Branden, a professor of Civil War history at Millersburg College who works in some strange adjunct capacity as a deputy for the Holmes County police force. Branden is also founder of the college's Museum of Battlefield Firearms, as well he should be. With help from such recurring characters as Pastor Caleb Troyer, Sheriff Bruce Robertson, and coroner Missy Taggert, Branden runs to earth all sorts of scum who prey on the Amish.

The books involve everything from butchered Amish dwarves to mute Mennonite child-abuse victims to anti-Amish land-grabs involving reverse leases. Not to mention cops going undercover in beards and buggies so they can nail Amish teenage delinquents gussied up in rubber goat's head masks who are flirting with Satanism during their wild *Rumschpringe* period when they are encouraged to get wasted and consort with trailer trash out in the straight world before packing it in and becoming full-fledged Amish.

When I read *Blood of the Prodigal*, my first Ohio Amish whodunit, I thought the whole idea was a put-on. After all, the author was identified as a professor of chemistry at the College of Wooster, and when I read that the book had been published by Ohio University Press, it reinforced my suspicion that the Ohio Amish series was a send-up concocted by some scampish creative writing professor. It all seemed a bit fishy. But then a friend reminded me that there is a whole series of mysteries involving the Vermont Bureau of Investigation. So this might be legit after all.

I am not making the argument that Gaus is in a class with the great mystery writers, past or present. The books are written in workmanlike fashion; the plots are compelling, not mesmerizing. Gaus lacks the gravitas of Mankell, the ingenuity of Indridason, the intensity of Larsson, the impudent wit of Camilleri. In no sense can Branden be viewed as a Buckeye Father Brown, much less a rival to the denizen of 221B Baker Street. But the fact that these mysteries take place in the Amish hinterland of Ohio confers upon them an aura of congenial weirdness no other mystery writer I know of can approach.

Not long ago the *Wall Street Journal* ran a story about a related genre: the Amish bodice-ripper. Obviously, this *Rumschpringe* thing is spreading. Then I found out that Tamar Myers, a woman of Amish background, has written more than a dozen tongue-in-cheek, Pennsylvania Dutch murder mysteries complete with recipes. By that point, the whole Amish thing seems to be turning into just another gimmick. Which is why I'm checking out. My once insatiable appetite for mysteries set in Botswana, Bangkok, Tokyo, and the Carpathians has now been satisfied.

I'm going to go back and dance with the one that brung me. I'm going back to the peerless Harlan Coben, whose gripping thrillers are set in the wilds of New Jersey. Seacacus and Totowa are as exotic as I need things to get. ♦

B&A

Drawn to Life

Everything old is new again in animation.

BY JOHN PODHORETZ

The old ways aren't dying out without a fight. At a moment when the movie industry is betting its future on the seamless merger of computer-generated imagery and live-action performance—a cold and hard kind of cinematic magic that drains the life from the medium—two glorious new movies offer object lessons in the wonders of old-fashioned, hand-hewn filmic legerdemain. Both are nominally for children. You would be crazy to miss either just because one is about a fox and the other is about a girl and an amphibian and a kiss gone wrong.

The Princess and the Frog
Directed by Ron Clements and John Musker
Fantastic Mr. Fox
Directed by Wes Anderson

The fizzy and exuberant new Disney feature *The Princess and the Frog* was made in classic style—drawn, frame by frame, primarily by hand (although with plenty of computer assists). It is the first work of traditional animation the studio has produced in the old-fashioned manner since the lousy *Home on the Range* (2004), and it is a creative renaissance for the Walt Disney brand.

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Since Disney began funding and releasing the brilliant work of Pixar in 1995, the studio's own animated films have been, not to put too fine a point on it, godawful. Movies like *Treasure Planet* and *Meet the Robinsons* gave no hint of the extraordinary streak of great animated features that began with *The Little Mermaid* in 1989 and continued with *Beauty and the Beast*, *Aladdin*, and *The Lion King*—pictures that revolutionized the movie business for the better by reminding its solipsistic, sybaritic, and often unmarried executives that children and their parents were really quite a large and profitable market.

Disney did itself in after 1995—or rather, its own chief executive, Michael Eisner, did Disney in by foolishly and expensively (at a cost of nearly $300 million) ridding himself of Jeffrey Katzenberg, who had supervised the studio's animated comeback. Katzenberg went on to cofound DreamWorks, and he almost instantly created the first true rival to Disney's dominance as the great kid-film studio by releasing *Shrek*.

Disney seemed to throw in the towel a few years ago by merging with Pixar and giving its animated division to Pixar's chief, John Lasseter. The fare that came afterward with the Disney name was just third-rate would-be Pixar, uninspired and computer-animated with little flair. Not this time. The two-dimensional look of *The Princess and the Frog*, with vibrant purples and yellows that delight the eye in the very first second the movie begins, is so old it's new. It's actually startling to see an animated film that doesn't render its characters in a three-dimensional perspective, and it makes *The Princess and the Frog* seem not anachronistic but entirely fresh.

The whole movie is like that. Its writer-directors, Ron Clements and John Musker, also made *The Little Mermaid* and *Aladdin* before faltering with *Hercules* and *Treasure Planet*, and they have returned to their own glory days with wild brio. The setting is New Orleans in the 1910s and '20s, rendered with the same painterly sheen as the London of *Peter Pan* and *101 Dalmatians*.

The story involves a hard-working black waitress named Tiana who wants to open a restaurant. (There's a dazzling sequence in which we see her dream of a restaurant as a moving, dancing Jacob Lawrence illustration.) One day, a footloose prince named Naveen comes to town to enjoy the jazz, and gets himself crosswise of a voodoo priest. Now a frog, the penniless Naveen hands Tiana a line about giving her money for her restaurant in exchange for the kiss that will turn him human again. Repelled but in need of cash, she does what he asks and finds herself, instead, transformed into a frog as well.

True to Disney form, the movie has a sensible aphoristic message for children: Dreaming only gets you halfway to what you want, and what you want isn't necessarily what you need. These homilies are delivered in the best possible way, through pulsating song. *The Princess and the Frog* is the first full-scale Disney animated musical since *Beauty and the Beast*, and the score, by Randy Newman, takes delicious advantage of the musical heritage of Louisiana. There's Dixieland jazz (played by a snaggletoothed bayou gator), zydeco (sung by a crazily accented firefly), Creole waltzes, swamp blues and gospel, as well as two requisite Broadway-style show stoppers, "Almost There" and "Dig a Little Deeper," one of which is certain to win next year's Oscar for best song. The loving craft Newman displays in these songs is mirrored by the painstaking craft of the movie's construction, both in its visual panache and its beautifully paced storytelling.

COURTESY OF FOX SEARCHLIGHT PICTURES

Another form of atavistic child's storytelling—stop-motion animation, in which figurines are moved ever so slightly frame by frame—is given a workout in *Fantastic Mr. Fox*, which is among the most purely charming movies I can remember. It's cute in the best possible meaning of the term; watching it makes you smile, giggle occasionally, and remain in a state of becalmed pleasure throughout.

The joke here is that its director, Wes Anderson, and his co-screenwriter, Noah Baumbach, have written an utterly contemporary script (based on a Roald Dahl novel) about a charmingly feckless fellow and how his charming fecklessness places his family and his community in jeopardy—and then put their halting, arch, ironic dialogue in the mouths of foxes, badgers, and hedgehogs. The movie's utter lack of interest in evoking anything even remotely realistic gives it a thrillingly playful quality. It's a little like being an adult and finding oneself able to enter into a child's fantasy play with Fisher-Price little people.

Wes Anderson is responsible for some of the most annoyingly mannered indie movies of our time (*The Royal Tenenbaums*, *The Life Aquatic*, *The Darjeeling Limited*), but his hyper-fussiness in matters of design and costuming and other sideline details is absolutely central to making the conceit of *Fantastic Mr. Fox* work. Anderson is appallingly precious when he directs in live action, but it turns out it's okay, maybe even more than okay, to be precious when you're working with tiny bendable dolls.

These are, along with the wildly dissimilar and entirely adult *A Serious Man*, the best American movies of the year. They are soulful at exactly the moment the movies need a little soul, since that is exactly what is being drained from them by a technological revolution that threatens to turn the cinema from a popular art into just another streaming video. ♦

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